

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

WRIT PETITION NO. 11177 OF 2025

BETWEEN:

SMT HEMAVATHI M
AGED ABOUT 28 YEARS,
W/O MR.RAVI KUMAR.
D/O MAHADEVA.M

EARLIER RESIDING AT
NO. D-4, 98/2,
3RD CROSS, NATARAJA LAYOUT,
J.P.NAGAR 7TH BLOCK,
BENGALURU 560 078.

PRESENTLY AT
NO.152, VINAYAKA LAYOUT,
2ND STAGE,
NAGARABHAVI,
BENGALURU-560 072.

...PETITIONER

(BY SRI. NEHRU P.,ADVOCATE)

AND:

SRI RAVI KUMAR P
AGED ABOUT 33 YEARS
S/O PUTTASWAMY
R/A 'SAPTHAGIRI'
NO.5, 3RD FLOOR
OPP. SURESH PHARMA,
9TH 'J' MAIN, HOSAHALLI,
VIJAYANAGAR,
BENGALURU 560 040.

...RESPONDENT

(BY SMT. RAMA DEVI L.,ADVOCATE)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE IMPUGNED ORDER DTD 27.02.25 ON IA NO. 3, FURNISHED AT ANNEX-A PASSED BY THE LEARNED VI ADDL. PRINCIPAL JUDGE, FAMILY COURT, BENGALURU, IN M.C NO.6741/2022 AND ALLOW THE APPLICATION FILED UNDER SECTION 24 OF HINDU MARRIAGE ACT AND DIRECT THE RESPONDENT TO PAY A SUM OF RS.25,000/-P.M. (TWENTY FIVE THOUSAND), TO THE PETITIONER AS INTERIM MAINTENANCE FROM THE DATE OF PETITION TO MEET HER BASIC NEEDS AND MEDICAL EXPENSES AND A SUM OF RS.30,000/- AS LEGAL AND INCIDENTAL EXPENSES FOR CONDUCTING THE CASE.

THIS PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 06.03.2026 AND COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:

CORAM: HON'BLE DR. JUSTICE K.MANMADHA RAO

CAV ORDER

This writ petition is filed under Articles 226 and 227 of the Constitution of India, calling in question the legality and correctness of the order dated 27.02.2025 passed by the learned VI Addl. Principal Judge, Family Court, Bengaluru, ('the Family Court' for short) on I.A.No.III filed under Section 24 of the Hindu Marriage Act, 1955 ('the Act of 1955' for short), in M.C.No.6741/2022, whereby the application filed by the petitioner-wife seeking maintenance pendente lite of Rs.25,000/- per month and litigation expenses of Rs.30,000/- has been rejected.

2. The petitioner/respondent herein are the petitioner/respondent before the Family Court.

3. For convenience of reference, the parties herein are referred to as per their rankings before the Family Court.

4. The facts of the case are that:-

The petitioner and the respondent are legally wedded wife and husband. Their marriage was solemnized on 13.03.2022 at S.A.R. Convention Hall, Srigandhada Kaval, Magadi Main Road, Bengaluru, in accordance with Hindu rites and customs. After the marriage, the petitioner joined the respondent at his residence at Vijayanagar, Bengaluru, and commenced her matrimonial life in a joint family consisting of the respondent, his parents and his younger brother.

5. It is the case of the petitioner that the respondent's mother exercised predominant control over the household affairs and that the respondent acted under her influence. The petitioner was left alone for most part of the day and even the respondent's interaction with her was subject to the approval of his mother.

6. The marital life between the parties remained cordial only for a brief period. Upon missing her menstrual cycle, the petitioner was taken to Motherhood Hospital where her pregnancy was confirmed. During the course of pregnancy, she suffered from severe morning sickness and was unable to attend to household chores, which led to ill-treatment and disparaging remarks from the respondent's mother. It is further alleged that the respondent subjected the petitioner to verbal abuse and neglect.

7. Owing to her deteriorating physical and mental condition, the petitioner was taken by her mother to her parental home in the month of August 2022, approximately one week prior to the Ganesha festival, for proper care and nourishment, and she has been residing there since then.

8. During the 19th week of pregnancy, on medical advice, the petitioner underwent an ultrasound scan on 22.09.2022, which revealed fetal anomalies including mild facial dysmorphism, clefts of the posterior palate or small cardiac septal defects and Partial Agenesis of Corpus Callosum. The doctors advised Medical Termination of Pregnancy. The

said development was informed to the respondent by the petitioner's mother, but the respondent remained indifferent.

9. Thereafter, the petitioner underwent MTP at K.C. General Hospital on 05.10.2022 and was discharged on 07.10.2022. A male fetus weighing 340 grams was extracted. Despite being informed, the respondent did not visit the petitioner during hospitalization or thereafter. The petitioner continued to stay at her parental home and was recovering.

10. A legal notice dated 20.10.2022, served on 25.10.2022, was issued calling upon the respondent to resume marital life by providing a separate residence. No reply was forthcoming.

11. The petitioner thereafter filed M.C.No.6741/2022 before the Family Court, Bengaluru, seeking restitution of conjugal rights. During the pendency of the said proceedings, the petitioner filed I.A. No. III under Section 24 of the Hindu Marriage Act, seeking maintenance *pendente lite* of Rs.25,000/- per month and Rs.30,000/- towards litigation expenses.

12. The respondent appeared and filed objections to the main petition and also adopted the same as objections to I.A.No.III. Both parties filed affidavits of disclosure of assets

and liabilities. The petitioner has no independent source of income, whereas the respondent is working as an Analyst-CAT Modelling at XL India Business Services Pvt. Ltd., earning Rs.52,268/- per month.

13. The learned Family Court, by order dated 27.02.2025, dismissed I.A.No.III mainly on the ground that the petitioner had lived in the matrimonial home only for a short period.

14. Aggrieved by the said order passed on I.A. No. III, the present writ petition is filed.

15. The learned counsel for the petitioner would contend that the Family Court has rejected the application solely on the ground of short duration of cohabitation, which is wholly irrelevant for deciding an application under Section 24 of the Hindu Marriage Act. Further, the petitioner resided in the matrimonial home from 13.03.2022 till August 2022, and thereafter she was compelled to stay at her parental home due to pregnancy and serious medical complications. It is submitted that the ultrasound scan dated 22.09.2022 revealed fetal abnormalities, and the petitioner underwent MTP on

05.10.2022, which clearly establishes that her separation was not voluntary.

16. It is also contended that the respondent failed to visit the petitioner during her hospitalization and neglected his matrimonial obligations. The petitioner is unemployed, has no independent income and is entirely dependent on her parents, whereas the respondent is gainfully employed and capable of maintaining her.

17. *Per contra*, the learned counsel for the respondent supports the impugned order passed on I.A.No.III and contended that the petitioner stayed in the matrimonial home only for a short period and thereafter left the house without sufficient cause. The petitioner did not discharge her household responsibilities, used to wake up late and did not respect the respondent or his parents. It is also contended that she was insisting on a separate residence, which led to disputes. The respondent submits that his parents are suffering from medical ailments and are dependent on him, and therefore he has financial constraints.

18. Heard learned counsel appearing on either side.

19. At the outset, it is not in dispute that the marriage between the parties was solemnized on 13.03.2022. Pursuant thereto, the petitioner joined the respondent in the matrimonial home and resided there till August 2022. It is not in dispute that from August 2022 onwards, the petitioner has been residing at her parental home. It is also not in dispute that during the subsistence of the marriage, the petitioner had conceived and, on medical advice, underwent Medical Termination of Pregnancy on 05.10.2022.

20. The case of the petitioner is that she was subjected to ill-treatment and neglect in the matrimonial home, particularly during the period of pregnancy, and owing to her deteriorating physical condition, she was taken to her parental home, where she has continued to reside. It is further contended that the respondent failed to attend to her even during her hospitalization. The petitioner asserts that she has no independent source of income and is entirely dependent on her parents, whereas the respondent is gainfully employed.

21. *Per contra*, the respondent has denied the allegations and contends that the petitioner left the matrimonial home without justifiable cause. It is his specific contention that

the petitioner failed to discharge her matrimonial obligations, insisted upon a separate residence and that he has financial responsibilities towards his dependent parents.

22. Thus, while the factum of marriage, the period of cohabitation till August 2022, the petitioner residing separately thereafter, and the medical termination of pregnancy are admitted, the circumstances leading to the petitioner living separately, the conduct of the parties and the entitlement of the petitioner to claim maintenance are seriously disputed questions of fact which cannot be adjudicated in a summary manner at the interlocutory stage.

23. In view of the above, this Court is of the opinion that the claim of the petitioner for maintenance *pendente lite* requires consideration on the basis of materials to be placed by both parties before the Family Court. The said aspects cannot be conclusively determined in the absence of such material at this stage.

24. Insofar as the impugned order is concerned, it is to be noted that the Family Court has rejected the application filed under Section 24 of the Hindu Marriage Act primarily on the ground that the parties had lived together only for a short

period. The duration of cohabitation, by itself, is not a determinative factor while considering an application under Section 24 of the Act. The Family Court is required to consider the income of the parties, their respective financial capacities and the requirement of the spouse seeking maintenance. In the case on hand, the impugned order does not reflect due consideration of these relevant factors. When an order is founded on an irrelevant consideration and without proper examination of relevant aspects, the same would warrant interference even in exercise of supervisory jurisdiction.

25. At this juncture, it becomes necessary to advert to the law laid down the Apex Court in ***Rajnesh v. Neha and another*** reported in **(2021) 2 SCC 324**, wherein it was observed as follows:-

96. The view that maintenance ought to be granted from the date when the application was made, is based on the rationale that the primary object of maintenance laws is to protect a deserted wife and dependent children from destitution and vagrancy. If maintenance is not paid from the date of application, the party seeking maintenance would be deprived of sustenance, owing to the time taken for disposal of the application, which often runs into several years.

26. In view of the above, the Family Court shall reconsider I.A.No.III afresh, strictly in accordance with law and in the light of the guidelines laid down by the Apex Court in ***Rajnesh v. Neha*** particularly with regard to consideration of affidavits of disclosure of assets and liabilities, determination of financial capacity, and other relevant parameters governing grant of interim maintenance. Therefore, failure to consider the application for interim maintenance in accordance with the said decision renders the impugned order is not proper.

27. In the result, this Court proceeds to pass the following:-

ORDER

(i) *This writ petition is **allowed**.*

(ii) *The impugned order dated 27.02.2025 passed on I.A.No.III in M.C.No.6741/2022 by the Family Court is set aside.*

(iii) *The matter is remitted to the Family Court for fresh consideration of I.A.No.III in accordance with law, after affording opportunity to both parties to place material in support of their respective contentions.*

(iv) *All contentions of the parties are kept open.*

(v) The Family Court shall consider the application independently and pass appropriate orders, uninfluenced by any observations made herein, as expeditiously as possible.

**SD/-
(DR.K.MANMADHA RAO)
JUDGE**

bnv