



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

WRIT PETITION NO. 23501 OF 2025 (GM-FC)

BETWEEN:

SRI. D. NOHAN KANTHA,
S/O DEVARAJ
AGED ABOUT 34 YEARS,
R/AT NO.257, KURUBARABEEDI,
CHIKKABALLAPURA - 562 101

...PETITIONER

(BY SRI. G.V. NARASIMHA MURTHY, ADVOCATE)

AND:

1. SMT. RASHMI H,
W/O D. NOHAN KANTHA
AGED ABOUT 34 YEARS,
2. KUMARI. AARON
D/O D. NOHAN KANTHAA,
AGED ABOUT 5 YEARS,
REPRESENTED BY HER NATURAL
GUARDIAN HER MOTHER, SMT.H.RASHMI





R/AT NO.19, NEXT TO SAPTHAGIRI HOSPITAL,
M.M. LAY OUT, CHIKKASANDRA,
CHIKKABANAVARA, BANGALORE NORTH
BANGALORE -560 090.

...RESPONDENTS

(BY SRI. VIKHYATH, ADVOCATE FOR
SRI. SURENDRA Y.S, ADVOCATE)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF
THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE
ORDER DATED 29.11.2024 IN CRL. MISC NO. 838/2022 SAME
IS PENDING BEFORE HONORABLE CHIEF JUDICIAL
MAGISTRATE BANGALORE RURAL DISTRICT, BANGALORE AT
ANNEXRUE-F AND RESPECTFULLY IN THIS WP AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING
IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS
UNDER:

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA



ORAL ORDER

Heard Sri. G.V.Narasimha Murthy, learned counsel for the petitioner who appears before this Court physically. Also heard Sri. Vikhyath who appears through video conference and represents Sri. Surendra Y.S., learned counsel on record for the respondents.

2. Seeking the Court to set aside the order that is rendered by the Court of Chief Judicial Magistrate, Bengaluru Rural in the interlocutory application in Crl.Misc.No.838/2022 dated 29.11.2024, this writ petition is filed.

3. Learned counsel for the petitioner submits that the petitioner is the husband of respondent No.1 and father of respondent No.2. Respondent No.1 is an employee and has got sufficient earnings. Petitioner is working as driver in a private organization and his net salary is Rs.17,220/- only. Trial Court directed the petitioner to pay respondent No.2, a sum of Rs.15,000/-



per month towards interim maintenance. Petitioner cannot pay such huge sum. Without taking into consideration of financial status of the petitioner, such huge amount was ordered to be paid and therefore, this writ petition is filed.

4. On the other hand, learned counsel for respondents states that petitioner failed to file his statement of assets and liabilities before the trial Court. Learned counsel also contends that justifiable sum is awarded towards interim maintenance and thus the writ petition is not maintainable.

5. There is no denial of the fact that petitioner failed to file his statement of assets and liabilities. The Court at paragraph 12 of the impugned order, made a mention that despite of clear direction issued, petitioner herein failed to furnish his bank statements, tax returns, etc. However, taking into consideration the contents of pay slip of the month of February - 2025 which is produced by the petitioner before this Court whose genuineness is not



in serious dispute and which discloses that after standard deductions, petitioner receives Rs.17,220/- only, this Court is of the view that petitioner can be directed to pay respondent No.2, a sum of Rs.10,000/- per month towards interim maintenance. Therefore, writ petition is disposed of with the following:

ORDER

i) The order that is rendered by the Court of Chief Judicial Magistrate, Bengaluru Rural in the interlocutory application in CrI.Misc.No.838/2022 dated 29.11.2024 is modified.

ii) Petitioner is directed to pay respondent No.1, a sum of Rs.10,000/- per month towards interim maintenance of respondent No.2 from the date of petition.

Writ Petition is accordingly disposed of.

**Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE**