



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.30620 OF 2024 (GM-FC)

BETWEEN:

MR. IMRAN KHAN,
S/O ABDUL JABBAR,
AGED ABOUT 38 YEARS,
R/A. NO. 160, 9TH CROSS,
MYSORE ROAD, NYANDAHALLI POST,
GANGONDANANHALLI,
BENGALURU-560 039.

...PETITIONER

(BY SRI. VINAYAKA S. PANDIT, ADVOCATE)

AND:

1. MRS SHABANA
W/O IMRAN KHAN,
D/O RAHIMAN BASHA,
AGED ABOUT 24 YEARS,
R/AT NO. 20, 3RD MAIN,
PATEDA TIMMAIAH BADAVANE,
GANAPATHI NAGAR,
CHIKKABANAVARA VILLAGE AND POST,
BENGALURU - 560 090.
2. BABY HAIZA
D/O IMRAN KHAN,





AGED ABOUT 3 YEARS (MINOR),
REPRESENTED BY HER MOTHER CUM
NATURAL GUARDIAN, MRS. SHABANA,
R/AT NO. 20, 3RD MAIN,
PATEDA TIMMAIAH BADAVANE,
GANAPATHI NAGAR,
CHIKKABANAVARA VILLAGE AND POST,
BENGALURU - 560 090.

...RESPONDENTS

(BY SRI. K. RAVISHANKAR, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF
THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE
ORDER DATED 31.08.2024 PASSED ON IA NO.1 IN CRL. MISC.
411/2023 (ANNEXURE-H) BY THE CHIEF JUDICIAL
MAGISTRATE RURAL COURT, BENGALURU.

THIS PETITION, COMING ON FOR UNDER THE CAPTION
"PART HEARD", THIS DAY, ORDER WAS MADE THEREIN AS
UNDER:

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA



ORAL ORDER

Heard Sri.Yadhunandan who represents Sri.Vinayaka S Pandit learned counsel on record for the petitioner as well as Sri.K.Ravishankar learned counsel for respondents.

2. Seeking the Court to set aside the order that is rendered by the Court of Chief Judicial Magistrate, Bangalore Rural in an interlocutory application filed by respondents herein in Criminal Miscellaneous Case No. 411/2023 dated 31.08.2024, this writ petition is filed.

3. As the status and relationship between the parties is not in dispute, petitioner will hereinafter be referred to as husband, respondent No.1 as wife and respondent No.2 as child.

4. Wife and child filed an interlocutory application seeking the Court to direct husband to pay them a sum of Rs.30,000/- per month towards interim maintenance. The Court of Chief Judicial Magistrate (hereinafter be referred to as the Court for brevity) through the impugned order



directed husband to pay wife and child a sum of Rs.10,000/- per month each towards interim maintenance.

5. Learned counsel who represents the husband submits that the net salary of the husband is around Rs.40,000/-. Husband took loans to attend the medical needs of his wife when they live together. He has to pay the EMI and should clear those loans. Thus on payment of EMI to both the loans, he receives a sum of Rs.26,000/- only per month. Court directed the husband to pay a sum of Rs.10,000/- per month to wife and Rs.10,000/- per month to child totally Rs.20,000/-. Thus, the cash that would be left for the husband for his survival is only Rs.6,000/-. That apart his parents initiated proceedings against him and obtained an order by which he was directed to pay his parents a sum of Rs.20,000/- per month towards maintenance. Therefore, under no circumstances husband can afford to pay such huge sum to his wife and child and therefore this writ petition is filed.



6. *Per contra* learned counsel who represents wife and child submits that even Rs.10,000/- each is not enough for them to lead comfortable life and therefore this writ petition is not maintainable.

7. As per the pay slip produced for the month of April 2024, gross salary of the husband is Rs.50,745/- and after standard deductions he is receiving Rs.44,457/-. Loan recoveries is also shown in the said pay slip and after those recoveries husband gets a sum of Rs.26,308/- per month. Even if the net salary is taken into consideration i.e. Rs.44,457/-, as rightly contented by learned counsel for the husband, if he pays Rs.10,000/- out of it to his wife and Rs.10,000/- to his child, with the remaining balance it would be difficult for him to maintain himself and his parents. Therefore taking into consideration the totality of facts and circumstances of the case, this Court is of the view that the impugned order is required to be modified directing husband to pay his wife a sum of Rs.7,000/- per month and his child a sum of Rs.5,000/- per month



towards interim maintenance. Therefore, the writ petition is disposed of with the following:-

ORDER

- i. The order that is rendered by the Court of Chief Judicial Magistrate, Bangalore Rural on the interim application filed in Criminal Miscellaneous Case No.411/2023 dated 31.08.2024 is modified.
- ii. Petitioner/husband is directed to pay respondent No.1/wife a sum of Rs.7,000/- per month towards interim maintenance from the date of filing of interlocutory application.
- iii. Petitioner/husband is also directed to pay respondent No.2/child a sum of Rs.5,000/- per month towards interim maintenance from the date of filing of the interlocutory application.
- iv. Petitioner/husband is directed to clear all arrears within two months.



NC: 2026:KHC:11348
WP No. 30620 of 2024

v. Accordingly, writ petition is disposed of.

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE

VS
List No.: 1 Sl No.: 24