



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 26TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO.101408 OF 2026 (GM-FC)

BETWEEN:

SRI. SHRINIVAS S/O. BHIMU NAIK,
AGE. 33 YEARS, OCC. PRIVATE JOB,
R/O. H. NO.501, 5TH FLOOR,
DEVASHREE BUILDING, NEAR HOCKEY STADIUM,
MANGOOR, VASCO DA GAMA, MORMUGOA,
SOUTH GOA, GOA-403802.

...PETITIONER

(BY SRI. SHUBHENDU A.AKALWADI, ADVOCATE)

AND:

SMT. BHAGYASHREE W/O. SHRINIVAS NAIK,
AGE. 31 YEARS, OCC. PRIVATE JOB,
R/O. H. NO.3355, DOLLARS COLONY,
SHAHUNAGAR, BELAGAVI-590001.

...RESPONDENT



THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF CONSTITUTION OF INDIA, PRAYING TO A) ISSUES THE WRIT IN THE NATURE OF CERTIORARI BY SETTING-ASIDE THE ORDER PASSED BY 1ST ADDL. PRL. JUDGE FAMILY COURT, BELAGAVI IN CRL. MISC. NO.224/2025 VIDE ORDER DATED 06/12/2025 PRODUCED AS ANNEXURE-'D', IN THE INTERESTS OF JUSTICE AND EQUITY. B) ISSUE THE WRIT IN THE NATURE OF MANDAMUS DIRECTING PRL. JUDGE FAMILY COURT, BELAGAVI TO CONSIDER L.A. NO.IV FILED BY PETITIONER UNDER SECTION 379 BNSS, 2023 VIDE ANNEXURE-'C' DATED: 26/11/2025. C) ANY OTHER RELIEF AS DEEMS FIT TO THIS HON'BLE COURT, IN THE INTEREST OF JUSTICE AND EQUITY.



THIS WRIT PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

The present writ petition is filed seeking the following prayers:

"a) Issues the Writ in the nature of Certiorari by setting-aside the order passed by 1st Addl. Prl. Judge Family Court, Belagavi in Crl. Misc. No.224/2025 vide order dated 06/12/2025 produced as ANNEXURE-'D', in the interests of justice and equity.

b) Issue the Writ in the nature of Mandamus directing Prl. Judge Family Court, Belagavi to consider I.A. No.IV filed by petitioner U/sec 379 BNSS, 2023 vide ANNEXURE-'C' dated: 26/11/2025.

c) Any other relief as deems fit to this Hon'ble Court, in the interest of justice and equity."

2. The petitioner before this Court is the husband and according to him, the respondent/wife by suppressing the material fact that she is working, has sought for maintenance and she has filed an I.A.No.4 under Section 379 of Bharatiya Nagarik Suraksha Sanhita, 2023 and also to initiate criminal proceedings against the husband. The Trial Court by proceedings dated 06.12.2025 has observed as under:



"Whether the contents of Enclosure-I are false or true can be found out during the trial. At this premature stage of the petition, it cannot be held that the statement of the petitioner in Enclosure-I was false. Moreover, the respondent will get an opportunity to confront the alleged false statements during cross-examination of the petitioner. Hence, I.A.No.4 will be heard along with the main petition. Case is posted to decide I.A.No.2 filed for interim maintenance."

3. Aggrieved thereby, the petitioner/husband is before this Court.

4. The learned counsel appearing for the petitioner/husband submits that the Trial Court ought to have decided his application regarding forgery before deciding the interim application and based on false pleadings the Trial Court cannot grant interim maintenance and if interim maintenance is granted, it would cause hardship to the petitioner/husband.

5. Having heard the learned counsel for the petitioner, perused the material on record. In the proceedings, at an interlocutory stage, the husband has come up with a petition stating that in the event if the Court finds out that there has been forgery by the wife, the Court would pass appropriate orders. In the considered opinion of this Court, the order that is



passed by the Trial Court is well reasoned order and no interference is called for. Accordingly, this Court is passing the following:

ORDER

- (i) The writ petition is ***dismissed***.
- (ii) All I.As., in this writ petition stand closed.

Sd/-
JUSTICE LALITHA KANNEGANTI

YAN
CT: UMD
List No.: 1 Sl No.: 24