



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD
DATED THIS THE 23RD DAY OF MARCH, 2026
BEFORE
THE HON'BLE MR. JUSTICE ASHOK S. KINAGI
WRIT PETITION NO. 101555 OF 2026 (GM-FC)

BETWEEN:

SRI. KIRANKUMAR S/O. UMAPATHY HIREMATH,
AGE. 40 YEARS, OCC. TECHNICIAN,
R/O. C/O. RUDRAMMA, W/O. UMAPATHY HIREMATH,
POST: ELEHOLE, HULGINAHOLE VILLAGE,
TQ. HARIHAR, DIST. DAVANAGERE-577516.

...PETITIONER

(BY SRI. ANJANEYA M, ADVOCATE)

AND:

1. SMT. ROOPA @ POOJA W/O. KIRANKUMAR HIREMATH,
AGE. 30 YEARS, OCC. HOUSEWIFE,
R/O. C/O. SHIVAYOGI BASALIHALLIMATH,
7TH CROSS, JANNAT NAGAR, DHARWAD.
2. KUMARI. CHANDANA D/O. KIRANKUMAR HIREMATH,
AGE. 5 YEARS, OCC. NIL,
R/O. C/O. SHIVAYOGI BASALIHALLIMATH,
7TH CROSS, JANNAT NAGAR, DHARWAD,
(SINCE THE RESPONDENT NO.2 IS
MINOR REPTD BY HER N/G MOTHER RESPONDENT NO.1)

...RESPONDENTS

(BY SRI. P.S. JADHAV, ADVOCATE FOR C/R1)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO A) QUASH THE IMPUGNED ORDER 12.11.2025 PASSED IN CRL.MISC.NO.303-2024 BY THE PRINCIPAL JUDGE, FAMILY COURT, DHARWAD ON THE INTERIM APPLICATION NO.III UNDER SECTION 144 (1) OF THE BNSS FILED BY THE RESPONDENTS VIDE ANNEXURE-E BY WAY OF WRIT OF CERTIORARI IN THE INTEREST OF JUSTICE AND EQUITY AND ETC.

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

MOHANKUMAR
B SHELAR



Digitally signed by
MOHANKUMAR B
SHELAR

Date: 2026.03.27
15:51:44 +0530



ORAL ORDER

(PER: THE HON'BLE MR. JUSTICE ASHOK S. KINAGI)

The petitioner has filed this writ petition challenging the order dated 12.11.2025 passed on I.A.No.3 in Criminal Miscellaneous No.303/2024 on the file of the learned Principal Judge, Family Court, Darwad.

2. Brief facts, leading rise to the filing of this writ petition are as follows:

3. The respondents filed a petition under Section 144(1) of BNSS Act seeking maintenance. The said case was registered as Criminal Miscellaneous No.303/2024. The respondents filed I.A.No.3 seeking for interim maintenance for a sum of Rs.20,000/- each to the respondents. It is contended that the petitioner is working as an engineer and earning Rs.60,000/- per month, and is having landed properties. It is contended that the petitioner has not made any arrangement for the livelihood of the respondents. The said application was opposed by the petitioner. The petitioner, despite granting sufficient opportunity, has not



filed objection to I.A.No.3. The trial court, considering the material on record, allowed I.A.No.3 and awarded an interim maintenance of Rs.4,000/- to respondent No.1, and Rs.2,000/- to respondent No.2 vide order dated 12.11.2025. The petitioner aggrieved by the order passed on I.A.No.3, filed this writ petition.

4. Heard the arguments of the learned counsel for the petitioner, and learned counsel for the respondents.

5. Learned counsel for the petitioner submits that the petitioner is having no source of income to pay the interim maintenance as awarded by the Family Court. He submits that the interim maintenance awarded by the Family Court is exorbitant. He also submits that respondent No.1 is earning and getting a monthly income of Rs.8,000/-, and she is capable of maintaining herself and also respondent No.2. He submits that the petitioner has suffered an injury in the road traffic accident, and he is unable to pay the interim maintenance awarded by the



learned Family Court. Hence, on these grounds, he prays to allow the writ petition.

6. *Per contra*, learned counsel for the respondents submits that the petitioner is working as an engineer, and earning salary of Rs.60,000/- p.m. He submits that respondent No.1 is not working as alleged by the petitioner. He submits that the petitioner himself has admitted that he is getting a salary of Rs.15,000/- and that the Family Court has rightly awarded interim maintenance of Rs.4,000/- to respondent No.1 and Rs.2,000/- to respondent No.2. The interim maintenance awarded by the Family Court is just and proper, and do not call for any interference at the hands of this court. Hence, on these grounds, he prays to dismiss the writ petition.

7. Perused the records and considered the submissions of the learned counsel for the parties.

8. There is no dispute regarding the relationship between the parties to the petition. Admittedly, the petitioner and respondents are residing separately. The



petitioner has not made any arrangement for the livelihood of the respondents. Respondent No.1 is taking care of a minor daughter, i.e., respondent No.2. The petitioner himself has admitted that he is getting a monthly income of Rs.15,000/-. Admittedly, both are residing separately in a rented house. In a rented house, respondent No.1, at least require minimum Rs.2,000 to Rs.3,000/- towards rent of the house, and also require other basic necessities like food, cloth, medicine etc. The Family Court was justified in passing the impugned order at Annexure-C by considering the aforesaid aspects. Hence, I do not find any error in the impugned order.

Accordingly, the writ petition is dismissed.

Pending applications, if any, shall stand disposed of.

**Sd/-
(ASHOK S. KINAGI)
JUDGE**

MBS
CT:UMD
List No.: 1 Sl No.: 26