



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 25TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

WRIT PETITION NO. 202282 OF 2023 (GM-FC)

BETWEEN:

MALLAPPA S/O NINGAPPA BYAKOD,
AGE 43 YEARS OCC : AGRICULTURE,
R/o HEBBALATTI VILLAGE,
Tq. BABLESHWAR,
Dist : VIJAYAPUR - 586101.

...PETITIONER

(BY SRI. SANGANABASAVA B.PATIL, ADVOCATE)

AND:

LAKSHMI D/O MALLAPPA BYAKOD,
AGE 18 YEARS (MINOR) OCC: STUDENT,
Rep/by HER MATERNAL GRANDMOTHER
SMT.NAGAWWA W/O MALLAPPA BELLAGI,
AGE : 61 YEARS, Occ: COOLIE,
R/o BHAVSAR NAGAR,
NEAR OM GANAPATI TEMPLE,
VIJAYPAURA - 586101.

...RESPONDENT

THIS WRIT PETITION IS FILED UNDER ARTICLES 227 OF
THE CONSTITUTION OF INDIA, PRAYING THAT THIS
HONOURABLE COURT MAY BE PLEASED TO I) ISSUE A WRIT OF
CERTIORARI QUASHING THE IMPUGNED ORDER ON I.A. NO.5,
DATED 07-06-2023 PASSED BY THE I ADDL. PRL. JUDGE,



FAMILY COURT, VIJAYAPURA AT VIJAYAPUR IN CRL. MISC. NO.434/2022, AT ANNEXURE-E TO THE WRIT PETITION AND ALLOW THE SAID APPLICATION (I.A. NO.5) AS PRAYED FOR. II) ISSUE ANY OTHER WRIT, ORDER OR DIRECTION AS THIS HONOURABLE COURT DEEMS FIT IN THE CIRCUMSTANCES OF THE CASE IN THE INTEREST OF JUSTICE AND EQUITY.

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

CORAM: HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

ORAL ORDER

This writ petition under Article 227 of the Constitution of India is filed with a prayer to quash the order dated 07.06.2023 passed on IA No.5 in Crl.Misc.No.434/2022 by the court of the I Additional Principal Judge, Family Court, Vijayapur vide Annexure-E.

2. Heard the learned counsel for the petitioner.

3. Respondent who is the minor daughter of the petitioner had filed Crl.Misc.No.434/2022 before the jurisdictional Family Court at Vijayapur under Section 125 of Code of Criminal Procedure seeking monthly maintenance of Rs.20,000/- from the petitioner. In the



said proceedings, the petitioner who had entered appearance had filed his statement of objections on 05.12.2022. Subsequently, an application was filed by the respondent claiming interim maintenance of Rs.20,000/- per month from the petitioner, which was opposed by the petitioner by filing objections. The learned Judge of the Family Court, Vijayapur, vide the impugned order dated 07.06.2023 has allowed I.A.No.5 in-part and has granted monthly interim maintenance of Rs.4,000/- to the respondent. Aggrieved by the same, the petitioner is before this Court.

4. According to the respondent, her mother Dhanamma was married to the petitioner in year 1999 and she was born from their wedlock. She has stated that her mother had led a married life with the petitioner herein for a period of 7 years and subsequently, they got separated. She has also stated that thereafter her mother was married to one Suresh Haloli and therefore, she was neglected by the petitioner as well as by her mother and



she had taken shelter in her grandparents' house. It appears that the respondent has filed a separate suit in O.S.No.883/2020 for partition and separate possession of joint family property which is pending consideration. The respondent, aged about 17 years was studying her II year PUC at Vijayapur and since, she was neglected by her parents, she had approached the jurisdictional Family Court through her maternal grandmother Smt.Nagawwa and had filed the present petition.

5. Material on record would go to show that petitioner owns immovable property bearing Sy.No.180/2 measuring 02 acres 33 guntas and Sy.No.220 measuring 07 acres 24 guntas situated at Arjunagi and Todalabagi Village of Vijayapur District.

6. The learned Judge of the Family Court, having taken note of the fact that the respondent - minor daughter was neglected by her parents and she was a student studying in II year PUC in Ravindranath Tyagor College, Vijayapur, taking into consideration the average



annual income of the petitioner has awarded monthly interim maintenance of Rs.4,000/- to the respondent. Considering the cost of living, educational expenses etc., it cannot be said that learned Judge of the Family Court at Vijayapur has erred in granting interim maintenance of Rs.4,000/- to the respondent.

7. The contentions urged in this writ petition and also in the statement of objection filed on behalf of the petitioner before the trial Court are all required to be tested during the full-fledged trial before the trial Court and therefore, I do not find any good ground to entertain this writ petition. Accordingly, the writ petition is ***dismissed.***

Sd/-
(S.VISHWAJITH SHETTY)
JUDGE

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List No.: 1 Sl No.: 3