



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 24TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

WRIT PETITION NO. 202164 OF 2022 (GM-FC)

BETWEEN:

NAGAPPA S/O DHULAPPA UPPAR,
AGED ABOUT 55 YEARS, OCC: GOVT SERVICE,
R/O TAKKE, NOW AT SHAKTINAGAR,
DIST. RAICHUR- 584101.

...PETITIONER

(BY SRI JAYANANDAYYA, ADVOCATE)

AND:

SMT. GANGABAI W/O NAGAPPA UPPAR,
AGED ABOUT 50 YEARS, OCC: HOUSEHOLD WORK,
R/O KANAKNAL TQ. INDI,
DIST. VIJAYAPURA-586101

...RESPONDENT

(BY SRI SANGANABASAVA B. PATIL, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO A) ISSUE A WRIT OF CERTIORARI FOR QUASHING THE ORDER DATED 29.07.2022 PASSED BY THE PRL. JUDGE, FAMILY COURT, VIJAYAPURA IN CRL.MISC NO.59/2021 VIDE ANNESURE-A1. B) ISSUE ANY OTHER WRIT OR ORDER OR



DIRECTION AS DEEMED FIT TO GRANT IN THE FACTS CIRCUMSTANCES OF THE ABOVE CASE.

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

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

ORAL ORDER

1. This writ petition under Articles 226 & 227 of the Constitution of India is filed seeking for the following reliefs:

(i) Issue a writ of certiorari for quashing the order dated 29.07.2022 passed by the Principal Judge Family Court, Vijayapura in Crl. Misc. No.59/2021 vide Annexure-A1 in the interest of justice;

(ii) Issue any other writ or order or direction as deemed fit to grant in the facts circumstances of the above case, in the interest of justice and equity.

2. Heard the learned counsels for the parties.

3. The respondent herein had filed Criminal Misc. No.59/2021 before the Court of Principal Judge Family Court, Vijayapura, under Section 125(3) of Cr.P.C., for recovery of a sum of Rs.10,68,000/- from the petitioner towards monthly maintenance amount awarded to her in Criminal Misc.



No.542/2011 by the Family Court at Vijayapura. In the said proceedings vide impugned order dated 29.07.2022 the Principal Judge Family Court, Vijayapura, had issued arrest warrant to the respondent and aggrieved by the same, the petitioner is before this Court.

4. Learned counsel for the petitioner submits that, during the pendency of this petition the petitioner has paid substantial amount to the respondent. He submits that, in Criminal Misc. No.542/2011 the petitioner had deposited an amount of Rs.2,35,000/- and an amount of Rs.6,15,500/- was deposited by him in Criminal Misc. No.59/2021. He submits that, the petitioner is liable to deposit only Rs.37,500/- towards arrears of maintenance and if some reasonable time is granted, he shall deposit the same before the Trial Court.

5. *Per contra*, learned counsel for the respondent has filed a memo of calculation and submits that, the total arrears of maintenance amount liable to be paid by the petitioner is Rs.1,02,500/- and not Rs.37,500/-. He submits



that, this writ petition may be disposed of granting some reasonable time to the petitioner to deposit the aforesaid arrears of maintenance amount.

6. Be that as it may, the fact remains that, substantial amount has been paid/deposited by the petitioner during the pendency of this writ petition and therefore, I am of the opinion that, the impugned order passed by the Court of Principal Family Judge, Vijayapura, needs to be set aside and the parties are required to be relegated to the Trial Court to work out their remedies in Criminal Misc. No.59/2021 by filing their respective memo of calculation. The Principal Judge Family Court, Vijayapura, shall consider the respective memo of calculations filed by both the parties and pass appropriate orders directing the petitioner to pay the balance of the maintenance amount.

7. Accordingly, the following:

ORDER

(i) The writ petition is allowed;



(ii) The impugned order at Annexure-A1 dated 29.07.2022 passed by the Court of Principal Judge Family Court, Vijayapura in Criminal Misc. No.59/2021 is quashed;

(iii) The petitioner and the respondent are permitted to file their respective memo of calculations before the Principal Judge Family Court, Vijayapura and the learned Judge shall consider the said memos and pass an order directing petitioner to pay balance amount within a period of one month from the date of order. Till then, no coercive action shall be taken against the petitioner.

Sd/-
(S.VISHWAJITH SHETTY)
JUDGE