



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 18<sup>TH</sup> DAY OF JUNE, 2026**

**BEFORE**

**THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA**

**WRIT PETITION NO.2327 OF 2026 (GM-FC)**

**BETWEEN:**

...PETITIONER

(BY SRI. DEVARAJ M., ADVOCATE)

**AND:**

1.



2.



3.

4.

5.

6.

7.

...RESPONDENTS

(BY SRI. SOMARJUNA V M., ADVOCATE FOR R1;  
V/O. DATED 29.01.2026,  
R2 TO R7 ARE FORMAL PARTIES)



THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI BY QUASHING THE ORDER OF JUDICIAL MAGISTRATE FIRST CLASS (III COURT), IN CRL. MISC.161/2025 DATED 19/12/2025 ON INTERIM APPLICATION FILED UNDER SECTION 23(1) OF PROHIBITION OF WOMEN FROM DOMESTIC VIOLATION ACT (PWDA) VIDE ANNEXURE-A AND ETC.

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

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

**ORAL ORDER**

Heard Sri.Devaraj M., learned counsel for the petitioner as well as Sri.Somarjuna V.M., learned counsel for the respondent.

2. Seeking the Court to issue a writ of certiorari and to quash the order that is passed by the Court of Judicial Magistrate First Class (III Court), Mysuru, on I.A.No.I in Crl.Misc.Case No.161/2025 dated 19.12.2025, this writ petition is filed.

3. Respondent No.1, wife of the petitioner herein filed an application under Sections 12, 18, 19, 20, 21 and 22 of the Protection of Women from Domestic Violence Act, 2005, seeking following reliefs:



*"A. In view of the above facts and circumstances, the Applicant prays that this Hon'ble Court may be pleased to restrain the respondents from committing any act of domestic violence against her, from contacting, threatening, or disturbing her peace, to direct the respondents to provide suitable residence or rent for her accommodation, to direct respondent No.1 to pay monthly maintenance of ₹1,13,515/- for her sustenance, basis needs and to clear the debt borrowed for marriage along with compensation for the mental and emotional agony suffered by her, and*

*B. Directing the respondent to pay litigation charges of ₹50,000/-(Rupees Fifty thousand only).*

*C. To grant such other reliefs as this Hon'ble Court deems fit in the interest of justice and equity."*

4. That application was filed not only against writ petitioner/husband, but also against her father-in-law, mother-in-law, brothers-in-law, sister-in-law and also the husband of the sister-in-law, who are arrayed as respondents No.2 to 7 to this writ petition. She also moved an Interlocutory Application



i.e. I.A.No.I seeking the Court to direct her husband i.e. petitioner herein to pay her a sum of ₹1,13,515/- per month towards interim maintenance besides ₹50,000/- towards litigation charges. The Court of Judicial Magistrate of First Class (III Court), Mysuru (hereinafter be referred to as 'Trial Court' for the sake of convenience of discussion), on hearing both sides disposed of I.A.No.I directing writ petitioner/husband to pay respondent No.1/wife a sum of ₹20,000/- per month towards interim maintenance. Aggrieved by the order thus passed, the husband is before the Court.

5. Making his submission on the merits of the matter learned counsel for the petitioner contended that the marriage between the petitioner and respondent was solemnized in the year 2024. Respondent No.1 lived with the petitioner only for two months. As respondent No.1 was working and was getting more income than that of the petitioner/husband, she was very angry. She gave a false complaint to police and she failed to attend the counseling. Also she filed a petition invoking the provisions of Domestic Violence Act.



6. Learned counsel for the petitioner submitted that respondent No.1/wife earns more than ₹1,00,000/- per month. As per TDS, her salary is ₹ 1,64,285. The couple did not beget any children. Except maintaining herself, she has no other liabilities or obligations. Petitioner/husband works in a private limited company and his salary is around ₹57,000/-. Thus, the salary of the respondent No.1/wife is many fold higher than that of the petitioner/husband. Without considering these aspects, the Trial Court directed the petitioner to pay respondent No.1/wife a sum of ₹20,000/- towards interim maintenance. Respondent No.1 is not entitled for any amount from the petitioner. Therefore, the impugned order is required to be quashed.

7. Per contra, learned counsel for respondent No.1 contended that respondent No.1 is the only child to her parents. No doubt she is earning around ₹1,00,000/- per month, but she is under obligation to clear all the debts which she incurred for her marriage. Therefore, Trial Court rightly directed petitioner to pay respondent No.1 a sum of ₹20,000/- towards interim maintenance and thus this writ petition is liable to be dismissed.



8. In the affidavit given disclosing assets and liabilities, petitioner/husband made a mention that he is working in Genpact India Private Limited and his salary is ₹57,309/- per month. In the affidavit given, disclosing her assets and liabilities, respondent No.1/wife made a mention that she is working in a private company and her monthly income is ₹1,00,000/-. Respondent No.1 has not denied the genuineness of the affidavit filed by petitioner/husband disclosing his assets and liabilities where there is a mention that he is working in Genpact India Private Limited and is drawing ₹57,309/- per month. Petitioner produced his pay slip for the month of October 2025 which goes to show that his gross salary for that month is ₹63,346/- and the net pay is ₹60,009/-. The annual tax statement received through TDS, which forms part of record reveals that the salary of respondent No.1 during the months April, May, June and July remained standard and the said amount is ₹1,64,285/- and the tax deducted is around 15,000/- per month. No material whatsoever is produced by respondent No.1 which gives the details of the loans she obtained and the EMI's. Even in the affidavit filed disclosing her assets and liabilities she has not mentioned the details of those loans,



when she obtained and what amount is still due to be paid. Trial Court made an observation at para 12 of the impugned order that as per the bank statement and pay slip produced by respondent No.1, it is evident that he is employed with Genpact India Private Limited and is drawing gross monthly salary of ₹60,646/-. The Trial Court did not consider the income of respondent No.1/wife at all. In her affidavit given disclosing assets and liabilities she herself mentioned that she gets ₹1,00,000/- per month as salary. The Trial Court which discussed about the earnings of petitioner/husband ought to have discussed about the earnings of respondent No.1/wife and thereafter should have come to a conclusion with regard to the entitlement for interim maintenance. But, totally ignoring the earnings of respondent No.1/wife, the impugned order came to be passed.

9. Only because a woman more particularly a wife files a petition invoking the provisions of Domestic Violence Act or the provisions of Hindu Adoption and Maintenance Act or the provisions contained in the Code of Criminal Procedure, where the right to claim maintenance is recognized, the Courts cannot straight away pass an order awarding some amount towards



maintenance payable by the husband. When the wife is financially sound and in case where the income of the wife is more than that of the husband and where no other liabilities are found on part of the wife, like looking after the children, Courts should not be inclined to pass an order granting maintenance on the ground that women are required to be maintained by men or wife is required to be maintained by her husband. It should be borne in mind that only when it is shown that the wife has no financial sources to maintain herself according to the standards of her husband, then only Courts are required to award maintenance either interim or final.

10. In the case on hand, the income of respondent No.1/wife is more than that of petitioner/husband. With her admitted income that is ₹1,00,000/- she can maintain herself. Therefore, there is no requirement for the Trial Court to order the writ petitioner/husband to pay a sum of ₹20,000/- per month out of his earnings i.e. ₹60,646/- per month. Hence, this Court is of the view that the order under challenge is unsustainable in the eye of law. Hence, the writ petition is disposed of with the following:



**ORDER**

- (i) The Writ Petition is allowed.
- (ii) The order that is rendered by the Court of Judicial Magistrate of First Class (III Court), Mysuru, on I.A. No.I in Crl.Misc.Case No.161/2025 dated 19.12.2025 is set aside.
- (iii) The observations made by this Court regarding the merits of the matter are for deciding the validity of the impugned order only. Therefore, they shall have no bearing upon the final disposal of the case or upon any interim applications if any already filed or going to be filed by respondent No.1/wife claiming maintenance even interim due to change of circumstances.

**Sd/-  
(DR.CHILLAKUR SUMALATHA)  
JUDGE**

AP  
CT:TSM  
List No.: 1 Sl No.: 16