



CNR: KAHC010541132026

NC: 2026:KHC:52196
WP No. 24806 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 24806 OF 2026 (GM-FC)

BETWEEN:

...PETITIONER

(BY SRI.K.S.ARUN, ADVOCATE)

AND:

...RESPONDENT

(BY SRI.SATYEN BAJAJ, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO
ISSUE A CERTIORARI QUASHING THE IMPUGNED ORDER

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by SUVARNA T
Location:
HIGH COURT
OF
KARNATAKA



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PASSED BY 6TH ADDITIONAL DISTRICT AND SESSION JUDGE, BENGALURU RURAL DISTRICT, BENGALURU PASSED ORDER IN I.A. NO.4 UNDER SECTION 36 OF SPECIAL MARRIAGE ACT IN M.C NO. 2883/2024 DATED 13.03.2026 GRANTING MAINTENANCE OF RS.1,10,000/- PER MONTH.

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

Aggrieved by the order dated 13.03.2026 passed in I.A.No.4 in M.C.No.2883/2024 by the III Addl. Principal Judge, Family Court at Bengaluru, the husband is before this Court. The parties are referred to as wife and husband for the sake of convenience.

2. The petitioner herein who is the husband, has filed MC No. 2883/2024 seeking divorce. In that petition, the wife has filed an application under Section 36 of the Special Marriage Act seeking interim maintenance of Rs.1,45,000/- per month to the respondent and her son, and Rs.1,00,000/- towards litigation expenses. The Family Court by the order impugned had granted Rs.1,10,000/- per month as interim maintenance to the respondent/Wife from the date of the order



till disposal of the petition, and has also directed the husband to pay Rs.50,000/- as one-time litigation expenses.

3. It is the specific case of the wife that the marriage was solemnized on 11.11.2022 under the Special Marriage Act. They are blessed with a son and the son is residing with her in view of the difference between them. The husband had filed a petition seeking divorce. It is the case that the husband is paying an amount of Rs.1,03,382/- to her from the date of separation. She did her MDS and she got employment at VIDS College, in Whitefield and contributed her salary for family maintenance. The respondent was unable to travel 50 kilometers every day and due to health problems, she resigned the job and she wanted to focus on the development of the child. The husband has continued his practice as doctor and established new clinics. The wife had paid educational loans in installment for herself and there is no income for her during the COVID-19 pandemic. The wife is conducting professional consultation as a Prosthodontist and her average income is upto 35,000/- per month. The husband was paying an amount of Rs.43,000/- towards the expenses of rent, groceries, Wi-Fi



and other expenses and he was also paying an amount of Rs.60,382/- towards the expenses of the son every month. The husband had threatened her that he will not be continuing this financial assistance, the respondent/wife is constrained to come up with an application seeking maintenance of Rs.1,45,000/-.

4. The husband has filed his objection, stating that the wife is capable of maintaining herself. She is a postgraduate medical professional, a Prosthodontist, with 15 years of experience. She is capable of earning at least Rs.2,00,000/- per month. She deliberately left her job, for which the husband's father had spent more than Rs.8,00,000/- toward her postgraduate education and Rs.7,00,000/- to set up the clinic for the wife at HSR Layout, which she abruptly closed in 2023. The petitioner and the respondent resided in one house until 25.03.2024. Now the husband is residing with his father in the apartment owned by the husband's father. It is the case that the husband is taking care of all the educational and other expenses. Hence, he prayed to dismiss the petition.

5. Both parties have relied on several judgments, and the Family Court has considered all the judgments. Both parties



have filed their statements of assets and liabilities. The husband has filed a statement of assets and liabilities, stating that he has completed his MDS in Facial Surgery, is a consultant surgeon, and his income is Rs.82,000/- per month. The Court records that they have filed these respective statements of assets and liabilities. The Family Court has observed that the son also resides with the wife and is now a major. The husband has also admitted that he is paying the rent for the house where the wife and son are residing and he is paying for all other expenses. Hence, considering the facts and circumstances, the Family Court has granted Rs.1,10,000/- per month and Rs.50,000/- for litigation expenses. In the order, the Family Court has specifically stated that Court is granting Rs.1,10,000/- per month to the wife from the date of the order till disposal of the petition and has directed to pay Rs.50,000/- for litigation expenses. Aggrieved thereby, the husband is before this Court.

6. Submissions of the learned counsel for the husband in a nutshell are (a) The wife is qualified, capable of earning and she is not entitled for maintenance. (b) Husband is already



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paying an amount of Rs.1,03,382/- and there is no reason for the wife to come up with the present application seeking maintenance. (c) The wife sought maintenance for herself and for the son, but a major son is not entitled for maintenance.

7. Learned counsel has placed before this Court the additional documents, i.e., the Income Tax Returns filed by him for the assessment year 2024-25 and the copy of the Relieving Certificate dated 03.12.2025. The income and expenditure a/c for the year ended 31st March 2025 reads as follows:



**Income and Expenditure a/c for the year ended 31st
March 2025**

Particulars	2024-25 (Rs.)	2023-24 (Rs.)
INCOME		
Professional Income		
Consultation Charges received	1,78,74,958	2,03,07,292
Discount Received	-	545
Total	1,78,74,958	2,03,07,837
EXPENSES		
Direct Expenses		
Purchase of Dental Materials & Medicines	27,56,197	49,51,061
Consultation Charges	18,92,646	20,82,923
Depreciation	25,98,099	26,56,167
Other expenses		
Audit Fees	35,400	35,400
Bank Charges	90,313	11,701
Medical Expenses	12,000	24,750
Office Expenses	4,49,511	4,74,235
Power and Fuel	1,63,837	2,02,312
Clinic Maintenance	2,90,046	4,37,509
Interest on Loans	30,08,119	34,84,616
Marketing Expenses	14,56,239	13,48,980



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Rental Expenses (Clinic)	7,90,299	4,06,499
Repairs and Maintenance	3,32,882	3,76,863
Salaries to Staff	23,83,529	26,28,334
Staff Welfare Expenditure	1,86,432	1,83,224
Swiping Machine Rent	33,954	23,862
Telephone Expenses	99,253	66,301
Travelling Expenses	10,00,606	5,53,923
Vehicle Maintenance	52,518	1,60,775
GST Registration Charges	13,900	-
Total	1,76,45,780	2,01,09,435
Excess of Income over Expenditure	2,29,178	1,98,402



Computation of Total Income for the Assessment Year 2025-26

Particulars	Amount (Rs.)	Total (Rs.)
1. Income from Salary		
Salary from R D Foundation Dental College	10,72,320	
Standard Deduction	75,000	9,97,320
2. Income from House Property		
(A) Gross Annual Value on Shop-JP Nagar	2,71,000	
Less: Municipal Taxes Paid	14,194	
Net Annual Value	2,56,806	
Less: Standard Deduction @ 30%	77,042	1,79,764
(B) Gross Annual Value on No.16/1, 9th cross, Bendre Nagar, BLR	7,20,000	
Less: Municipal Taxes Paid	14,194	
Net Annual Value	7,05,806	
Less: Standard Deduction @ 30%	2,11,742	4,94,064
(C) Gross Annual Value on No.16/1, 9th cross, Bendre Nagar, BLR	1,92,000	
Less: Municipal Taxes Paid	12,606	
Net Annual Value	1,79,394	
Less: Standard Deduction @ 30%	53,818	
Less: Interest on Housing Loan	-	1,25,576
(D) Gross Annual Value on Shop-JP Nagar	1,48,000	
Less: Municipal Taxes Paid	10,971	
Net Annual Value	1,37,029	
Less: Standard Deduction @ 30%	41,109	95,920
Total Income from House Property		8,95,325
3. Income from Profession		
Excess of Income over Expenditure	2,29,178	
4. Income from Profession		
Interest Received from SB	23	
Gross / Taxable Total Income		21,21,846
Rounded to multiples of 10's		21,21,850



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Computation of tax liability

Particulars	Amount (Rs.)
Tax Payable at Normal rate	3,26,555
Add: Education Cess @ 4%	13,062
Tax Payable With Cess	3,39,617
Add: Interest u/s 234	37,557
Tax Payable With Interest	3,77,174
Less: TDS on Salary	51,750
Less: Self Assessment Tax Paid	3,25,424
Tax Payable/(Refund) Due	Nil

8. Learned counsel appearing for the petitioner submits that the wife, though capable of earning and who was earlier working, for the best reasons known to her, is not working. In the light of settled law, she is not entitled for maintenance. The court ought not to have granted maintenance of Rs.1,10,000/- to the wife. In her statement of assets and liabilities, she has stated that she is earning Rs.4,99,550/- per annum. When she has income, she is not entitled for maintenance. It is further submitted that the major son is not entitled for maintenance.

9. The Learned counsel has relied on the judgment of the Apex Court in the case of **Rajnesh Vs. Neha**¹. He relied on page number 28 para G and H, which reads as under:

***(g) If during the course of proceedings,
there is a change in the financial status of any***

¹ (2021) 2 SCC 324



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party, or there is a change of any relevant circumstances, or if some new information comes to light, the party may submit an amended/supplementary affidavit, which would be considered by the court at the time of final determination.

(h) The pleadings made in the applications for maintenance and replies filed should be responsible pleadings; if false statements and misrepresentations are made, the Court may consider initiation of proceeding Under Section 340 Code of Criminal Procedure, and for contempt of Court.

10. It is submitted that there is suppression on the part of the wife in placing her actual income and other sources before the Court and she is not entitled for maintenance. Hence, the order impugned needs to be set aside and the writ petition is liable to be allowed.

11. Learned counsel appearing for the respondent submits that the husband is a very famous doctor. He has two clinics in Bangalore, one in Goa, one in Maldives, and the other in London. It is admitted that the bank statements placed before the Court show that as on 13.07.2026, the closing balance is Rs.1,026,466.91 and the credits are Rs.13,783,286.23. It is submitted that the father of the petitioner is living in an apartment worth Rs.4 crores and has



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several movable and immovable assets. In fact, the wife has not filed any complaint under Section 498A of IPC or the Domestic Violence Act. When the husband threatened her that he would not pay maintenance, she was constrained to file this application. The husband himself states that he is paying Rs.1,03,382/-, and when the court grants Rs.1,10,000/-, he has come to the court only to harass the respondent. It is submitted that the assets and liabilities filed before the court do not show the correct picture of the husband's income. It is submitted that the court has granted Rs.1,10,000/- when the petitioner sought Rs.1,45,000/-. He submitted that there are no grounds to interfere. He relied on the following judgments:

- i. Parvin Kumar Jain Vs. Anju Jain*²
- ii. Kiran Jyot Maini Vs. Anish Pramod Patel*³
- iii. Shailja Vs. Khobbanna*⁴
- iv. Manish Jain Vs. Akanksha Jain*⁵
- v. Bhuwan Mohan Singh Vs. Meena*⁶
- vi. Sunita Kachwaha Vs. Anil Kachwaha*⁷

² (2025) 2 SCC 227

³ (2024) 13 SCC 66

⁴ (2018) 12 SCC 199

⁵ (2017) 15 SCC 801

⁶ (2015) 6 SCC 353



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vii. Chaturbhuja Vs. Sita Bai⁸

viii. Jasbir Kaur Sehgal Vs. District Judge, Dehradun⁹.

12. He relied on another judgment in the case of **Dr.**

Rajiv Verghese Vs. Rose Chakkramankil Francis¹⁰. He relied

on para No.11, which reads as under:

"11. We find that the High Court has erred in reducing the quantum of maintenance to Rs. 80,000/- (Rupees Eighty Thousand only) per month. The High Court has considered only two sources of income for the respondent. Firstly, the sum of Rs. 1,25,000/- (Rupees One Lakh and Twenty-Five Thousand only) that he earns from working as a Cardiologist at the Hospital. Secondly, the rent amount he and his mother receive from a property, of which the High Court has stated that he receives half the amount only. However, the High Court has not dealt with the findings of the Family Court wherein the respondent is said to own a number of worthful properties and the fact that he is the only legal heir of his father. The Family Court found that the respondent is accruing all the incomes from the properties owned by his mother. The High Court has not dealt with the aspect of the number of properties owned by the respondent and looked at the rental income from one property. The Family Court also noted that the respondent was found to be in possession of a school and could not substantiate his claim that the school was running in losses. Therefore, the High Court has overlooked certain aspects relating to the income of the respondent which were looked at by the Family Court. Further, it is also on record that the appellant is not working as she sacrificed her employment

⁷ (2014) 16 SCC 715

⁸ (2008) 2 SCC 316

⁹ (1997) 7 SCC 7

¹⁰ 2024 SCC Online SC 3367



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after the marriage. The appellant was accustomed to a certain standard of living in her matrimonial home and therefore, during the pendency of the divorce petition, is also entitled to enjoy the same amenities of life as she would have been entitled to in her matrimonial home."

13. Having heard the learned counsel on either side, perused the material on record. The Hon'ble Apex Court in the case of ***Rajnish Vs. Neha*** referred *supra* had laid down guidelines. Further if those guidelines are not followed scrupulously, the action to be initiated is also clearly laid down in the said judgment. The respondent/wife submits that the husband has altogether 7 clinics. This court has perused the statement of assets and liabilities filed by him. According to him, his monthly expenses are Rs.1,78,000/-. The father is receiving a pension of Rs.1,10,000/-, and apart from that, he is spending Rs.80,000/- monthly expenses and Rs.6,00,000/- for the son's education. Further, it is stated that towards the wife, food and clothing spending Rs.15,000/-, towards education and general expenses Rs.2,70,000/-, and for cricket coaching Rs.30,000/-. Rs.70,000/- per month towards voluntary contribution. It is stated that he is a consulting facial Maxillo Surgeon. His professional income is Rs.82,000/- (after all loan



deductions and business expenditure). Further, he has stated that income from other sources such as rent and interest is Rs.45,000/- per month. He has taken personal loan from Bajaj Finance Rs.35,00,000/-, car loan of Rs.40,00,000/-, another car loan of Rs.6,50,000/-. Mortgage loan of Rs.2,00,00,000/-. MSME COVID relief loan of Rs.20,00,000/-. Home loan of Rs.15,00,000/- in J.P.Nagar and hand loan of Rs.12,00,000/-. He is paying monthly EMI of Rs.4,66,286/-. Net income from the business/profession/ partnership/self-employment is only Rs.1,27,000/-. These are the particulars in the statement of assets and liabilities filed by the husband. When it comes to the wife, she says that General monthly expenses are Rs.96,500/- per month. The expenses incurred for the son are Rs.60,382/- per month. When it comes to voluntary contribution by the husband, she has shown it as Rs.1,03,382/- She has stated that net income from the business is Rs.4,99,550/- per annum.

14. Looking at the statement of assets and liabilities filed by the husband, it clearly shows that the statement of assets and liabilities are not as per the judgment of the Hon'ble



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Apex Court in the case of **Rajnish Vs. Neha** referred *supra*. A perusal of the statement of assets and liabilities, the husband has not stated what is his actual income, he says that after deductions he is getting Rs.80,000/-. Even according to him, he has properties, professional income, and expenses which he is spending towards the loans and other things and towards his dependents, and he simply says that his income is Rs.80,000/- after deductions. That is not what **Rajnish Vs. Neha** case referred *supra* contemplated. The party is supposed to mention first, what is his income from different sources and what the expenditures are. On the face of it, it appears that the husband had failed to disclose the complete particulars of his statement of assets and liabilities before the Court. In this case, the conduct of the petitioner/husband assumes significance from the fact that according to him, he is paying Rs.1,03,382/- to the wife without any Court order, and according to the wife, as there was a threat that he would not pay, she wanted an order from the Court, and the Court granted Rs.1,10,000/-. That has been questioned by filing the writ petition before the Court. It is stated that the Court has recorded that the son is major but granted maintenance. The operative portion of the order clearly



mentions that the maintenance is given to the wife, and when he is admittedly paying the amount, why he is aggrieved by such an order, this Court is not able to understand. Learned counsel appearing for the respondent/wife submits that she previously worked in the husband's clinic. Even now, she is ready to work, provided a job is given to her. However, this Court cannot compel the husband to provide a job to the wife. When the petitioner/husband himself is contributing to the wife an amount of Rs.1,03,382/-, it shows that she is not in a position to maintain herself and he has the capacity to pay the maintenance. Having paid the amount now he can not submit before this Court that she is capable of earning and he is not capable of paying.

15. The judicial process is intended to resolve genuine legal grievances and not to provide a ground for settling the ego of the parties. Such use of judicial proceeding deserves to be depreciated, where the valuable time of the court is wasted. This is nothing but luxurious litigation. The petitioner's case is that the son is not entitled for maintenance that the Court had granted. The petitioner/husband has no patience to even look



at the order, where the maintenance is only granted to wife. This is a fit case to impose costs for wasting the judicial time. Further, this Court is of the view that the Family Court needs to look into the statement of assets and liabilities of both the parties and shall take appropriate action. In that view of the matter, this court is passing the following:

ORDER

- i. Accordingly, the writ petition is ***dismissed*** with costs of Rs.2,00,000/- to be paid to the respondent/wife.
- ii. The Family Court shall look into the statement of assets and liabilities and if the Court finds that the statement of assets and liabilities that are placed before the Court by either of the parties, there are suppression of facts, the Court shall initiate appropriate proceedings as per the order passed by the Apex Court in the case of ***Rajnish Vs. Neha.***
- iii. Both the parties are at liberty to place further evidence/document including the additional documents placed before this Court.



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- iv. All pending I.As., in the petition shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE

PKN
List No.: 1 SI No.: 22