

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF APRIL, 2022

BEFORE

THE HON'BLE MR.JUSTICE S.G.PANDIT

WRIT PETITION NO.3451 OF 2020 (GM-FC)

C/W

WRIT PETITION NO.24220 OF 2021 (GM-FC)

IN W.P.No.3451/2020

BETWEEN:

POOJA S

... PETITIONER

(BY SRI.CHANDRASHEKARA.K., ADVOCATE)

AND:

ABHISHEK SHETTY

... RESPONDENT

(BY SRI.TRIVIKARAM.S., ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED 28.01.2020 ANNEX-A IN M.C.NO.838/2018 ON THE FILE OF THE I ADDL. PRINCIPAL FAMILY COURT AT MYSORE, AND DIRECT THE RESPONDENT TO PAY A SUM OF RS.75,000/- TOWARDS THE LEGAL EXPENSES, AS AN INTERIM MEANS AND ETC.,

IN W.P.No.24220/2021

BETWEEN:

ABHISHEK SHETTY

... PETITIONER

(BY SRI.TRIVIKRAM.S., ADVOCATE)

AND:

POOJA S

... RESPONDENT

(BY SRI.CHANDRASHEKAR.K., ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE LEARNED 1ST ADDITIONAL PRINCIPAL

FAMILY JUDGE AT MYSURU TO EXPEDiate THE TRIAL AND DISPOSE CASE IN M.C.NO.838/2018 WITHIN 6 MONTHS FROM TODAY AND ETC.,

THESE WRIT PETITIONS COMING ON FOR PRELIMINARY HEARING 'B' GROUP, THROUGH VIDEO CONFERENCING, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

In W.P.No.3451/2020 the petitioner is before this Court aggrieved by the rejection of IA filed under Section 24 of the Hindu Marriage Act (for short 'the Act') seeking litigation expenses of Rs.75,000/-. In WP.No.24220/2021 the petitioner is before this Court praying for a direction to the Family Court for expeditious disposal of M.C.No.838/2018.

2. The petitioner in W.P.No.24220/2021 is the husband whereas the petitioner in W.P.No.3451/2020 is the wife of the petitioner in 24220/2021. The parties to the proceedings would be referred to as they stand in the W.P.No.3451/2020.

3. The petitioner and respondent are husband and wife, marriage having taken place on 26.12.2011. From the marriage they have two children. The husband respondent filed petition under 13(1) (i) and (ia) of the Act seeking dissolution of marriage in M.C.No.838/2018. In the said M.C. the petitioner wife filed an application under Section 24 of the Act claiming litigation expenses of Rs.75,000/- to engage the advocate and to contest the proceedings. The trial Court rejected the application holding that it is for the petitioner-wife to approach District Legal Service Authority for legal assistance and there is no provisions to direct the respondent-Husband to pay litigation expenses.

4. It is submitted that the respondent-Husband is working as Head of Human Resources and receiving salary of more than Rs.80,000/- per month. The petitioner-wife has no income of her own and it is submitted that the petitioner wife is looking after two

children. In the above circumstances, the respondent-Husband is liable to pay some amount towards litigation expenses. The amount which is sought for by the petitioner-Wife i.e., Rs.75,000/- as litigation expenses is on the higher side.

5. I deem it proper and appropriate to direct respondent-Husband to pay a sum of Rs.25,000/- towards litigation expenses to the petitioner-wife. Accordingly, W.P.No.3451/2021 is **partly allowed**.

6. The respondent-Husband is directed to deposit a sum of Rs.25,000/- towards litigation expenses before the Prl. Judge, Family Court at Mysuru. The petitioner-wife is at liberty to withdraw the said amount.

7. In W.P.No.24220/2021 the petitioner is seeking for early disposal of M.C.No.838/2018. It is submitted by both the learned counsels that it is at the stage of evidence of respondent-Wife.

8. Both petitioner and respondent are directed to co-operate with the trial Court for the early disposal of the case. The trial court is directed to dispose of M.C.No.838/2018 in an expeditious manner.

With the above, both the writ petitions are disposed of.

**Sd/-
JUDGE**

RKA