



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF AUGUST, 2023

BEFORE

THE HON'BLE MR JUSTICE KRISHNA S DIXIT

WRIT PETITION NO. 12802 OF 2023 (GM-FC)

BETWEEN:

SHRI. ANANTH KUMAR. K. G.
S/O. LATE SHRI. BAWBU RAO K. R. KHATOKAR,
AGED ABOUT 38 YEARS,
R/O. NO. 1322, SRI RAGHAVENDRA NILAYA,
GROUND FLOOR, 1ST CROSS,
NANJAMMA LAYOUT, MANORAYANAPALYA,
R.T. NAGAR POST, BENGALURU-560 032.
PH 9886595848

...PETITIONER

(BY SRI. NAGARAJ M.,ADVOCATE)

AND:

SMT. YOGITHA S @ YOGITHA ANANTH KUMAR
W/O. ANANTH KUMAR. K. G.,
AGED ABOUT 36 YEARS,
RESIDENT OF NO. A147,
SWAMI VIVEKANANDA EXTENSION,
6TH CROSS, SHIVAMOGGA-577 202.

...RESPONDENT

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE ORDER DTD 21.04.2023 PASSED BY THE HONBLE PRINCIPAL JUDGE FAMILY COURT AT SHIVAMOGGA IN MC NO. 6/2022 ON IA NO. 1 VIDE ANN-X-C

THIS PETITION COMING ON FOR PRELIMINARY HEARING THIS DAY, THE COURT MADE THE FOLLOWING:





ORDER

Petitioner-husband is knocking at the doors of writ court for assailing the order dated 21.04.2023 handed by the learned Principal Judge of Family Court at Shivamogga whereby respondent-wife's application in I.A.No.1 filed in her pending MC No.6/2022 having been favoured, an award of monthly maintenance at the rate of Rs.10,000/- per month has been granted. Learned counsel for the petitioner vehemently opposes the same arguing that his client is not capable of making the payment of the said sum periodically; the respondent-wife is gainfully employed and therefore she does not need any maintenance though she is in the custody of a minor son born from the wedlock. Lastly, he argues that the amount is far in excess.

2. Having heard the learned counsel for the petitioner and having perused the petition papers, this court declines indulgence in the matter inasmuch as the marriage is not in dispute; there is no dispute or difference about the legitimacy of the child now in the custody of



respondent, who is not shown to have means of livelihood for herself and for the child. It hardly needs to be reiterated that law, religion and justice require an able bodied man to look after his dependent family and that is how the Parliament has enacted several legislations namely Sec.125 of Cr.P.C. 1973, Protection of Women from Domestic Violence Act, 2005, Sec.24 of the Hindu Marriage Act, 1955, etc.,

3. When this Court posed a question as to why all these years petitioner has not made any payment towards the maintenance of minor son, there is absolutely no plausible explanation offered by his counsel. His submission that the award of Rs.10,000/- per month is far in excess of what is required needs to be outrightly rejected, regard being had to costly days of life and that the respondent has to hold souls & bodies of herself and the growing child. The contention that petitioner has been suffering from diabetes and related ailments does not merit countenance. A large section of people all over the world suffer from such ailments and with the advancement



of medical science, all that is manageable. It is not the case of petitioner that the same are not manageable with proper medical care.

In the above circumstances, this petition being devoid of merits is liable to be rejected *in limine*, and accordingly it is.

Registry is directed to send a copy of this judgment to the respondent-wife by 'Speed Post' immediately.

**Sd/-
JUDGE**

cbc
List No.: 1 Sl No.: 42