



**IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH
DATED THIS THE 27TH DAY OF MAY, 2024
BEFORE
THE HON'BLE MR JUSTICE SACHIN SHANKAR MAGADUM
WRIT PETITION NO.102123 OF 2024 (GM-FC)**

BETWEEN:

...PETITIONER

(BY SRI. NAGARAJ J. APPANNANAVAR, ADVOCATE)

AND:

1.

2.



...RESPONDENTS

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI, QUASHING THE IMPUGNED ORDER DATED 09-02-2024 PASSED BY COURT OF PRINCIPAL JUDGE, FAMILY COURT BELAGAVI ON INTERIM APPLICATION IN CRL. MISC NO.197/2023 VIDE ANNEXURE-H.

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



ORDER

The captioned writ petition is filed by husband assailing the interim maintenance granted by Family Court, Belagavi at the rate of Rs.7,000/- per month to the wife and Rs.3,000/- per month to the minor daughter.

2. The main ground of contention raised by petitioner in the captioned petition is that he is unemployed as he has lost his job. He is not in a position to pay maintenance as he has no independent source of income. The Family Court while declining to entertain the defence set-up by petitioner referring to the material on record has ordered the interim maintenance at the rate of Rs.7,000/- per month to the wife and Rs.3,000/- per month to the minor daughter. The Family Court has also taken cognizance of the fact that petitioner's family owns a commercial complex.

3. Be that as it may, if petitioner has deserted the wife irrespective of his financial status, he is bound to maintain his wife and minor children. The petitioner under



the garb that he has lost his employment, cannot shy away from his responsibility of maintaining the wife and minor daughter. Interim maintenance at the rate of Rs.7,000/- per month to the wife and Rs.3,000/- per month to the minor daughter is not exorbitant.

4. In the present day, we are all burdened with the plaguing effects of inflation. The cost of living has also significantly risen owing to the same. It is also pertinent to bear in mind that the wife has to not only sustain a life with the granted maintenance but also contest and appear in the ongoing litigation. Factoring in all these costs and expenses, this Court is of the opinion that the maintenance granted by the Family Court is reasonable.

5. Bearing in mind these factors and also giving due consideration to the cost of living in Belagavi city, the Family Court has rightly exercised its discretion and granted interim maintenance at the rate of Rs.7,000/- per month to the wife and Rs.3,000/- per month to the minor



daughter. I do not find any valid grounds to grant any indulgence.

Writ petition being devoid of merits stands ***dismissed.***

Sd/-
JUDGE

AM
List No.: 1 Sl No.: 54