



CNR: KAHC010110232026

NC: 2026:KHC:53083
WP No. 5358 of 2026
C/W WP No. 4253 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 5358 OF 2026 (GM-FC)

C/W

WRIT PETITION NO. 4253 OF 2026 (GM-FC)

IN WP No. 5358/2026

BETWEEN:

...PETITIONER

(BY SRI. NISHAN G.K., ADVOCATE AND
SMT.VIJAYLAXMI, ADVOCATE)

AND:



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BENGALURU- 560 076

...RESPONDENT

(BY SRI.SHANKAR NARAYANA RAO, SENIOR COUNSEL FOR
SRI.DHARANI KRISHNA D., ADVOCATE)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO DIRECTION OR ORDER, MODIFYING THE ORDER DATED: 08.01.2026 PASSED IN M.C.NO. 7704/2023 BY THE VI ADDITIONAL FAMILY JUDGE, BANGALORE BY ENHANCING THE INTERIM MAINTENANCE PAYABLE TO THE PETITIONER INCLUDING LITIGATION EXPENSES, AS SOUGHT IN I.A.NO.V, FROM THE DATE OF FILING OF THE APPLICATION (ANNEXURE-A).

IN WP NO. 4253/2026

BETWEEN:

...PETITIONER

(BY SRI.B.V.SHANKAR NARAYANA RAO, SENIOR COUNSEL FOR
SRI.DHARANI KRISHNA D., ADVOCATE)

AND:



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BENGALURU -560 078

...RESPONDENT

(BY SRI.NISHAN G.K., ADVOCATE FOR
SRI.SKAND ARUN KUMAR, ADVOCATE AND
SMT.VIJAYLAXMI, ADVOCATE)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO CALL FOR RECORDS PERTAINING TO I.A. NO. 5 IN M.C. NO. 7704/2023, ON THE FILE OF VI ADDITIONAL PRINCIPAL JUDGE, FAMILY COURT, BENGALURU AND QUASHING AND SETTING ASIDE THE ORDER DATED 08.01.2026 (VIDE ANNEXURE- K) PASSED IN I.A. NO. 5 BY THE VI ADDITIONAL PRINCIPAL JUDGE, FAMILY COURT, BENGALURU, IN M.C. NO. 7704/2023.

THESE PETITIONS, 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 08.01.2026 passed on I.A.No.5 in M.C.No.7704/2023, by the VI Addl. Principal Judge, Family Court, Bengaluru, both the wife and husband are before this Court. The parties are referred to as wife and husband for the sake of convenience.

2. The wife's petition is WP No.5358/2026, and the husband's petition is W.P.4253/2026, where the husband is questioning the quantum of maintenance granted to the wife



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and the wife is seeking enhancement of maintenance. Hence, both the petitions are disposed of by way of a common order.

3. The wife had filed the MC seeking divorce under Section 38 of the Special Marriage Act, seeking pendente lite maintenance of Rs.1,75,438/- both for herself and the minor son, the educational expenses of the minor child, one time reimbursement of Rs.6,60,000/-expenses incurred towards setting up the residence, maintenance and keeping up of the child and also one time litigation expenses of Rs.3,50,000/- pending disposal of the petition. According to the wife, the wife had filed a statement of assets and liabilities. As per the same, she requires an amount of Rs.1,75,438/- per month and the expenses are given as per the table below:

SL. No.	Particulars	Expenses Per Month (in Rupees)	Expenses Per Annum (in Rupees)
1.	School Fees (includes transportation)	10,833/-	1,30,000/-
2.	School Uniform and Supplies	3,333/-	48,000/-
3.	Transport (for both Dependent and child)	15,000/-	1,80,000/-
4.	Medical Expenses/Emergencies	10,000/-	1,20,000/-
5.	Food & Groceries	30,000/-	3,60,000/-
6.	Clothes (for both Dependent and child)	8,000/-	96,000/-
7.	Entertainment / Toys	9,000/-	1,08,000/-
8.	Travel / Vacations	12,500/-	1,50,000/-
9.	Birthday / Festivities	6,666/-	80,000/-



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15.	Maid / Domestic Help	15,000/-	1,80,000/-
16.	Utilities (Electricity/Gas/Internet/TV/Water charge, maintenance etc.,)	6,000/-	72,000/-
17.	EMI's towards loans (Car + Personal + Home Loan)	47,106/-	5,65,272/-
18.	Expenses towards pet dog	2,000/-	24,000/-
	Total	1,75,438/-	21,13,272/-

4. The husband has also filed his statement of assets and liabilities. According to the statement, the husband's monthly expenses are as follows:

Monthly (and Annual) Expenses of the Deponent

SL No .	Particulars	Expenses per month (in Rupees)	Expenses per annum (in Rupees)
1	EMI towards the flat Prestige Elysian	59,052/-	7,08,624/-
2	Office Commute	15,000/-	1,80,000/-
3	Medical Expenses - Self	1,500/-	18,000/-
4	LIC Annual Payment	3,000/-	36,000/-
5	Medical Expenses – Father (Regular MRI once every 3 months)	3,333/-	40,000/-
6	Food and Groceries	30,000/-	3,60,000/-
7	Maid, Domestic Help Salaries	15,000/-	1,80,000/-
8	Clothes	5,000/-	60,000/-



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9	Utilities (Electricity, Gas, Water, Maintenance)	6000/-	72,000/-
10	Travel/Vacation	20,000/-	2,40,000/-
11	Maintenance expenses for parents	24,000/-	2,88,000/-
12	Mutual Fund Contribution	15,000/-	1,80,000/-
	Total	196,885/-	23,62,624/-

5. It is also the case that the husband is spending an amount of Rs.20,000/- per month for his bedridden 93-year-old great-grandmother. He is also spending Rs.25,000/- per month on groceries and medical expenses. For car transport, he spends Rs.5,000/- per month. He also has to take care of the unmarried daughter, i.e., the younger sister of the husband. In this regard, the approximate expenses incurred are Rs.27,333/- per month towards the medical expenses of the dependents. It is stated that his monthly income is Rs.2,91,757/-. He is working at Cisco Systems (India) Pvt. Ltd. There are two flats purchased by him, and 60% of the contribution is from the husband. Now both the flats are rent-free. Hence he need not pay maintenance.



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6. The trial court, considering the statements of assets and liabilities of both parties, had granted maintenance of an amount of Rs.50,000/- per month to both the wife and the minor son, from August 2025 i.e., when the wife relieved from her job. The husband was directed to pay the school fees directly to the institution and to pay the arrears of maintenance within 3 months from the date of the order.

7. While passing the order, the Family Court has recorded the respective cases of the parties and also the contentions. Taking note of the fact that the wife, in her affidavit of disclosure of assets and liabilities, has revealed that she has pursued B.Tech and MBA and is working as Manager at Randstad India Pvt.Ltd. She is earning a net salary of Rs.83,450/- per month. On 25.07.2025, she filed her additional affidavit disclosure of assets and liabilities with a relieving email. The email furnished by the wife shows that, due to restructuring of the organization, the job of the petitioner has been identified as redundant, and she has been relieved on 25.07.2025. The wife has to pay a monthly E.M.I of Rs.26,000/- for her car loan and they have to pay monthly



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maintenance of Rs.4,800/- for the flat. The Family Court also observed that the husband, in his affidavit, has revealed that he has an old father and mother who are dependent on him. It is on record that the mother and son are living in their own flat, and the husband is living in the flat purchased jointly in the names of the wife and husband, and in this backdrop, the Family Court has granted Rs.50,000/- as maintenance.

8. The learned senior counsel representing the learned counsel for the husband submits that the Family Court, without any basis, has granted an amount of Rs.50,000/- as maintenance. He further submits that, from the date of the interim order passed by this Court, they have been paying maintenance and there are arrears. They have also filed an application before this Court seeking extension of time. The wife, who was qualified and able to take care of herself, is not entitled to maintenance. It is further submitted that, except for the academic year 2024-25, the father has paid the educational expenses of the child for the remaining years up to date. The expenses, as stated by the wife, are about Rs.1,75,000/- and exaggerated figures, and after taking care of all requirements



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and paying Rs.40,000/- as maintenance, the husband is left with only Rs.50,000/-. It is the submission of the learned senior counsel that the particulars of the husband's salary are as follows:

Particulars / Computation from FORM 16	Amount (in INR)
[A] Gross salary	62,92,042
[B] Perquisites – value of Stock Options	28,42,079
Total Income [A + B]	91,34,121
[C] Less Income Tax paid	(26,89,065)
[D] Net salary income after tax, excluding perquisite value [A – C]	36,02,977
[E] Average monthly net salary, excluding perquisite value [D ÷ 12]	3,00,248
[F] Monthly expenses as stated in the Affidavit (Rs 1,96,885/-) + average monthly school and transport expenses for the minor son (Rs 13,000/-)	2,09,885
[G] Net disposable income [E – F]	90,363
Interim maintenance ordered by the Hon'ble High Court and paid .	40,000
Balance monthly amount after payment of interim maintenance	50,363

9. It is the further submission of learned senior counsel that, after the salary, deductions, and expenses, only Rs.50,363/- is left. It is also submitted that, as the divorce has not been granted, the wife is entitled to medical facilities, and, if she wants, the husband will provide her with an insurance policy and she can avail the benefit. It is submitted that the



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amount of maintenance granted by the Court to the wife and child, when the educational expenses are already taken care of by the father, is on the higher side and needs to be reduced.

10. Learned counsel appearing for the wife submits that the husband had suppressed the material facts before the Court. According to him, the salary is Rs.2,90,000/- and odd. But as per the Income Tax Returns, the husband's salary is Rs.91,34,121/-. Gross total income is Rs.90,84,121/-. The aggregate of deductible amount is Rs.22,48,852/- Total taxable income is Rs.88,35,269/-. Net tax payable is Rs.26,89,065/-. It is submitted that after deducting the tax, the income of the husband is Rs.61,46,204/-(88,35,269 -26,89,065) that is more than an amount of Rs.5,00,000/-. But before the Court the husband has not stated the correct facts. It is the submission of the learned counsel that in February 2026, she is diagnosed with glaucoma and she is undergoing treatment. She is also suffering with autoimmune disease. In her present health condition, she cannot secure a job. When an application is filed seeking maintenance, the Court has failed to consider it from the date of application. But the court has considered only from



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the day she lost her job. It is submitted that court has failed to consider the requirements of the mother and child before filing the application and when the husband is earning an amount of Rs.5,00,000/- and odd per month, granting an amount of Rs.50,000/- towards the maintenance of the wife and child is not proportionate to the income and to the standard of living the husband is maintaining.

11. In response to that, learned Senior Counsel submits that husband's gross salary is Rs.62,92,042/-. Perquisites/value of stock options is Rs.28,42,079/-. It is submitted that, that amount cannot be considered as part of salary as he is not setting it same every month and the amount as stated by the husband in the statement of assets and liabilities is correct. There is no suppression and misrepresentation of facts.

12. In response to that, learned counsel appearing for the wife has drawn the attention of the Court to statement showing every financial year the husband is getting minimum of Rs.20,00,000/- and a maximum of Rs.28,00,000/- by selling the shares and he is paying the tax on the same. Learned counsel for the wife relied on the judgment passed by the Delhi



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High Court, in case of **Nayanika Thukar Mehta Vs. Mohit Mehta and Ors**, arising out of **Crl.M.C.407/2016 & Crl.M.A.Nos.6829/2016 & 7088/2016 dated 24.03.2017**. He relied on para No.8 and 9, which read as under:

8. As per conclusion arrived at by the Appellate Court, the total income of the respondent was `1,32,714/-. It appears that the learned Appellate Court did not take into consideration various other income and perks received by the respondent from his employer. The luxurious status being enjoyed by the respondent was over-looked. The Trial Court in its order dated 10.08.2015 noted that besides income of `1,58,407/- per month as Senior Manager (Legal) with ITC Ltd., the respondent had fixed deposits and NSCs worth `12,83,306/-; he had various interest bearing shares and bonds. The respondent was spending `60,000/- per month via credit card. It was further noted that the respondent had Honda Jazz and Honda City cars and an apple iphone 4S; the parties had travelled to various international destinations; the respondent was member of various clubs and had various insurance policies; the respondent was getting various free benefits, reimbursement facilities, perquisites, e-sops etc. from his employer, which were not part of his salary. The respondent had purchased a property No.2158, Pocket-2, Sector D, Vasant Kunj which was gifted by him to his mother - Savita Mehta.

9. It has come on record that besides income, the respondent had obtained Employee Stock Option Scheme (ESOPs) perks amounting to `15,11,525/- (2013 -



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***2014); `2,00,97,761/- (2012 - 2013),
`33,85,250/- (2010-2011) and
`17,78,000/- (2009-2010). In 2013-2014,
the total taxable perquisites were
`17,65,627/- and it were `2,03,52,543/- in
2012-2013. True, ESOPs perks are variable
and are not regular feature of the salary
received by the respondent. However, the
perks received by the respondent cannot be
overlooked to ascertain his financial status
and capability. It has not been explained as
to how and in what manner, huge amount
received as ESOPs in the year 2013-2014
and 2012-2013 was invested or dealt with.
The respondent cannot be permitted to
suppress the income generated through
these variables. The petitioner has
legitimate expectations to share the said
perks being enjoyed by the respondent.***

13. Relying on this, it is submitted that perks are variable and not a regular feature of the salary received by the respondent. However, the perks received by the respondent cannot be overlooked in ascertaining his financial status and capability. He cannot be permitted to suppress the income generated through these variables, and the wife has a legitimate expectation to share the said perks being enjoyed by the husband. Learned counsel submits that only if she is admitted to the hospital and undergoes any procedure she can claim the benefit from the policy; otherwise, for her regular check-ups and other tests, she has to spend money. It is



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submitted that the health issue, which is a subsequent event, also has to be taken into consideration by this Court while granting maintenance.

14. It is the submission of the learned senior counsel for the husband that even if it has to be considered, the husband has utilized the money from selling the shares for discharging the loan on both the properties. In response to the arguments, learned counsel for the wife has relied on the judgment of the Apex Court in case of **Deepa Joshi Vs. Gaurav Joshi**¹. He relied on paragraph No.15, which reads under:

15. Insofar as the financial capacity of the respondent is concerned, it is borne out from the compliance affidavit filed pursuant to the order dated 06.02.2026 that the respondent is employed as a Manager with Canara Bank and is drawing a gross monthly income of ₹1,15,670/-. The Courts below have taken note of certain deductions from the said income, including repayments towards loans. However, it is well settled that repayments of loans, particularly where such repayments result in creation or acquisition of assets, partake the character of capital investment and cannot be equated with essential or unavoidable expenditure. Such financial commitments, being voluntary in nature, cannot be

¹ 2026 INSC 370



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***accorded precedence over the statutory
and legally enforceable obligation of
maintenance.***

15. Relying on this, it is submitted that considering the health condition of the wife and the financial capacity of the husband, the maintenance as claimed by the wife may be awarded.

16. Having heard the learned senior counsel representing learned counsel for the husband and learned counsel appearing for the wife, perused the material on record. Coming to the statement of assets and liabilities of the husband, he is spending an amount of Rs.50,000/- plus Rs.27,000/- on dependents. The dependents are the grandmother and the sister. The grandmother is no more, and it is submitted that the sister is employed with Dell company. In those circumstances, that amount can not be considered as expenses incurred by the husband. Then, coming to the income tax returns and the clarification statement filed before the Court and submits that the gross salary is Rs.62,92,042/- and perquisites of Rs.28,42,079/- do not form part of his income, this Court is not able to appreciate that the submission. This



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Court has perused the income tax returns, and every year he is getting an amount of Rs. 20 to 28 lakhs by selling the shares and it is part of the husband's income, though he may not be getting it every month. That has to be considered as his income. The wife has relied on the judgment of the Delhi High Court in the case of ***Nayanika Thukar Mehta***, referred supra, ***and Deepa Joshi Vs. Gaurav Joshi***, referred supra. This Court is of the view that the said judgment applies to the facts of the present case.

17. Considering the health condition of the wife, she requires maintenance. No doubt, before the trial court, it was not placed. However, the medical records have been placed before this court, and this court finds no reason to doubt the said documents. As per those records, she is suffering from an autoimmune disease and glaucoma. The wife had stated that the expenses are Rs.1,75,438/- per month. In that, the major component is the EMI she is paying towards the car loan and the personal loan, that is Rs.47,106/-. Apart from that, both the son and the mother have to take care of the basic expenses, including clothes and domestic help. Even the



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respondent cannot deny the fact that, in her medical condition, she is not in a position to work. The trial court has failed to consider all these aspects, and granted the maintenance from the date of petition. Even at that time, she had to take care of the child's needs and also the EMI amount of Rs.47,106/-. Even at that point of time, she was in need of money. This aspect was not considered by the Family Court. If the court had granted Rs.50,000/- after she lost the job, some reasonable amount ought to have been granted from the date of application, as it is the responsibility of the husband to take care of the child at that point of time. It is submitted that the husband has repaid the loan. There is no dispute that there is contribution from the wife, and also the wife's allegation that the entire salary is transferred to the husband. Anyhow, this court is not expressing any opinion on the merits of the matter. That cannot be a reason for this court not to grant maintenance. In these circumstances, this court is of the view that, considering the medical necessities and other necessities of the wife, the amount of maintenance of Rs.50,000/- that is granted is not sufficient to take care of herself and the child. As



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far as the order of the Family Court with regard to the school expenses is concerned, the father has been paying it since 2022. However, for the academic year 2024-25, he has not paid. The mother shall furnish the details of fees paid to the father and the father shall reimburse the same. The wife is entitled for maintenance of an amount of Rs.30,000/- from the date of application till 24.09.2024, when she lost the job. The maintenance amount is enhanced from an amount of Rs.50,000/- to Rs.1,20,000/-. This amount shall be paid from the date of order of the trial Court. The husband shall continue to bear the educational expenses. Accordingly, this court is passing the following:

ORDER

- i. W.P.No.5358/2026 filed by the wife is **allowed**, and W.P.No.4253/2026 filed by the husband is **dismissed**.
- ii. Maintenance is enhanced from an amount of Rs.50,000/- to Rs.1,20,000/-. This amount shall be paid from the date of the order of the trial Court.



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- iii. The wife is entitled for an amount of Rs.30,000/- from the date of application till 24.09.2024.
- iv. If there are any changed circumstances on behalf of the wife, husband or any incapacity on the part of the husband, they can seek for modification and both the parties are at liberty to move the Court.
- v. The arrears shall be paid within a period of 4 weeks from the date of receipt of the copy of the order.
- vi. If the amount is not paid, the wife is at liberty to file an appropriate application under Section 151 of CPC.
- vii. Registry is directed to send the entire Family Court record along with the copy of this order.
- viii. All pending I.As., in the petitions shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE

PKN
List No.: 1 Sl No.: 60
MR