

**HIGH COURT OF KARNATAKA****Bench: Hon'ble Mr. Justice Sachin Shankar Magadum****Date of Decision: 27th May 2024**

WRIT PETITION NO. 102123 OF 2024 (GM-FC)

**SHRI AMIT S/O. SHANKARRAO CHOUGULE, ...PETITIONER****VERSUS****SMT. MEGHA W/O. AMIT CHOUGULE & ANR. ...RESPONDENTS****Legislation:**

Articles 226 and 227 of the Constitution of India

**Subject:** Writ petition challenging the interim maintenance order issued by the Family Court, Belagavi, directing the petitioner to pay maintenance to his wife and minor daughter.

**Headnotes:**

Family Law - Interim Maintenance - Writ Petition challenging the Family Court order granting interim maintenance - Petitioner contends unemployment and lack of independent income - Family Court considers petitioner's family ownership of a commercial complex - Held, responsibility to maintain wife and minor daughter irrespective of employment status - Interim maintenance of Rs. 7,000/- per month to wife and Rs. 3,000/- per month to minor daughter not exorbitant considering inflation and cost of living - Petition dismissed. [Paras 1-5]

Maintenance Responsibility - Analysis - Petitioner's obligation to maintain family upheld despite financial hardship claims - Family Court's discretion in granting interim maintenance affirmed - Consideration of current economic conditions and litigation costs supported reasonable maintenance award. [Para 3-5]

Decision - Dismissal of Writ Petition - Court dismisses the writ petition citing the petitioner's failure to provide valid grounds for contesting the Family Court's maintenance order - Interim maintenance deemed reasonable and necessary. [Para 5]

Representing Advocates:

Sri. Nagaraj J. Appannanavar for petitioner

### 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.

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