

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 28<sup>TH</sup> DAY OF MAY 2012

BEFORE

THE HON'BLE MR. JUSTICE AJIT J GUNJAL

W.P.NO.15818 OF 2012 (GM-FC)

**BETWEEN**

SRI.N.MAHESH KUMAR  
SON OF M.NARAYANAPPA  
AGED ABOUT 35 YEARS  
RESIDING AT P.W.D. RESIDENTIAL QUARTERS  
NEAR COURT, NATIONAL HIGHWAY  
HOSAKOTE TOIWN  
BANGALORE DISTRICT.

... PETITIONER

(BY SRIADINATHA NARDE & SMT.REVATHY ASSTS.,  
ADVS.)

**AND**

SMT.LAKSHMI @ HEMAVATHI @ HEMALATHA  
WIFE OF N.MAHESH KUMAR  
AGED ABOUT 30 YEARS  
RESIDING AT RAMASANDRA VILLAGE  
SULIKERE POST  
BANGALORE SOUTH TALUK  
BANGALORE URBAN DISTRICT.

... RESPONDENT

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THIS WRIT PETITION IS FILED UNDER ARTICLES 226  
& 227 OF THE CONSTITUTION OF INDIA WITH A PRAYER  
TO CALL FOR THE ENTIRE RECORDS PERTAINING TO THE  
CASE OF THE PETITIONER.

THIS W.P. COMING ON FOR *PRELIMINARY HEARNIG*  
THIS DAY THE COURT MADE THE FOLLOWING:

ORDER

The marriage between the petitioner and the respondent was performed on 6.5.2005. The respondent-wife files a petition seeking dissolution of the marriage on the ground of cruelty.

2. During the pendency of the proceedings, the respondent files an application seeking interim maintenance of ₹.20,000/-. The said maintenance is for herself and for the child.

3. The learned Family Judge having regard to the avocation of the petitioner and also the probable income which he would earn awarded a sum of ₹.5,000/- p.m. as against, which the husband is before this Court.

4. I have heard the learned counsel appearing for the petitioner.

5. I have perused the impugned order.

6. Apparently, the petitioner owns an autorickshaw and is earning substantially. The petitioner's family owns two sites that apart the



petitioner also maintains a scooter. Having regard to the totality of the circumstances and the cost of living, I am of the view that the awarding of maintenance at ₹.5,000/- for herself and her child cannot be said to be excessive or arbitrary. Having said so, I am of the view that there is no merit in this petition, petition stands ***rejected.***

Sd/-  
**JUDGE**

SS