

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 9th DAY OF JULY, 2004

PRESENT

THE HON'BLE SRI N.K.JAIN, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE AJIT J.GUNJAL

WRIT APPEAL NO. 2634/2004. (GM-FC)
(in W.P. No. 35472 of 2003 (GM-FC))

Between:

Sri G. Narasimha Murthy
S/o late Chennagiriappa
37 years; Operator Sr. II
Karnataka Antibiotics &
Pharmaceuticals Ltd.,
Plot No. 14, Peenya II Phase
Industrial Area
Bangalore-58.

...

Appellant.

(By Sri T.A. Chandrashekar, Adv.)

And:

Smt. L. Manjula
W/o Sri G. Narasimha Murthy
Aged about 27 years;
Bilijagi, Eswarghatta
Hessarghatta Post,
Bangalore North Taluk,
Bangalore Dist.

...

Respondent.

This writ appeal is filed under Section 4 of the Karnataka High Court Act, against the order dated 30.3.2004 passed by the learned single Judge in W.P. No. 35472/2003.

This writ appeal coming on for preliminary hearing this day, the Chief Justice delivered the following:

JUDGMENT

This writ appeal is against the order dated 30.3.2004 passed by the learned single Judge in W.P. No. 35472/03, dismissing the petition.

2. The appellant herein has filed Matrimonial Case No. 1355/01 which is pending. In the said MC, the respondent herein made an application for interim maintenance and the Family Court has granted Rs. 800/- to the wife and Rs. 350/- each to the two minor daughters. Against the said order, the appellant preferred ^{the} writ petition and the learned single Judge has declined to interfere with the said order. Hence, this writ appeal by the appellant-husband.

3. Learned counsel for the appellant submits that initially partial interim stay was granted by this Court, but ultimately the writ petition was dismissed without notice being served on the respondent.

4. This being an interlocutory order and the allegation that the respondent has got sufficient money and ^{can} maintain herself, cannot be gone into at this stage. We find no good ground to interfere with the order of the learned single Judge. Writ



appeal is dismissed. However, the appellant is free to raise all the points and also request the court to expedite the matter.

Sd/-
Chief Justice

Sd/-
Judge

vge