



IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH

DATED THIS THE 21ST DAY OF MARCH, 2023

BEFORE

THE HON'BLE MR JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 100231 OF 2022 (GM-FC)
C/W
WRIT PETITION NO. 101644 OF 2023 (GM-FC)

In WP No.100231/2022

BETWEEN:

SHRI VIJAY S/O BASAVANT CHOUGULE
AGE: 43 YEARS, OCC: HIGHWAY DESIGN ENGINEER
DORSCH HOLDING GMBH,SALAM STREET,
P.O.BOX-26417,ABU DHAB I,
UNITED ARAB EMIRATES
PRESENTLY RESIDING AT H.NO.148/B
KALMESHWAR GALLI,MANNUR-591108
POST: GOJAGA,TQ: AND DIST: BELAGAVI.

...PETITIONER

(BY SRI CHETAN T LIMBIKAI, ADVOCATE)

AND:

SMT. AKSHATA W/O VIJAY CHOUGULE
AGE: 33 YEARS, OCC: PRIVATE WORK,
C/O. BASAVANT BALAWANT PATIL
728, INDIRA NAGAR, ALNAVAR-581103
TQ: DHARWAD, DIST: DHARWAD

...RESPONDENT

(BY SRI R.M. HIREMATH ADV.)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO WHEREFORE IT IS HUMBLY PRAYED WITH THE HON' BLE COURT TO ISSUE A WRIT IN THE NATURE OF CERTIORARI QUASHING THE IMPUGNED ORDER DATED 10.12.2021 VIDE ANNEXURE-E PASSED BY THE



PRINCIPAL JUDGE, FAMILY COURT, DHARWAD IN M.C NO.231/2018 ORDER MADE ON I.A. NO.IV IN THE INTEREST OF JUSTICE AND EQUITY.

In WP No.101644/2023

BETWEEN:

SMT. AKSHATA W/O VIJAY CHOUGULE
AGE: 33 YEARS, OCC: PRIVATE WORK,
C/O. BASAVANT BALAWANT PATIL
728, INDIRA NAGAR, ALNAVAR-581103
TQ: DHARWAD, DIST: DHARWAD

...PETITIONER

(BY SMT. R.M. HIREMATH, ADVOCATE)

AND:

SHRI VIJAY S/O BASAVANT CHOUGULE
AGE: 43 YEARS, OCC: HIGHWAY DESIGN ENGINEER
DORSCH HOLDING GMBH,SALAM STREET,
P.O.BOX-26417,ABU DHABI,
UNITED ARAB EMIRATES.

...RESPONDENT

(BY SRI CHETAN T LIMBIKAI, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT IN THE NATURE OF CERTIORARI MODIFYING THE IMPUGNED ORDER DATE:10/12/2021 AT ANNEXURE-G PASSED BY PRINCIPAL JUDGE, FAMILY COURT, DHARWAD IN M.C. NO. 231/2018 AND ISSUE A WRIT OR ANY OTHER ORDER DEEMED FIT UNDER THE FACTS AND CIRCUMSTANCES OF THE CASE, IN THE INTEREST OF JUSTICE.

THESE PETITIONS COMING ON FOR PRELIMINARY HEARING, THIS DAY, THE COURT MADE THE FOLLOWING:



ORDER

These two writ petitions are filed by husband and wife questioning the interim maintenance awarded by the Family Court. The Family Court having taken note of the materials placed on record by husband and wife proceeded to grant interim maintenance to wife and kid at the rate of Rs.12,000/- per month and Rs.10,000/- towards litigation expenses.

2. It is not in dispute that wife is highly qualified and she is working as Lecturer. However, wife though has admitted that she is working as Lecturer, quantum of salary as alleged by the husband is disputed by the wife. She claims that she is getting a salary of Rs.8,000/- per month.

3. The contention of the husband that interim maintenance awarded at the rate of Rs.12,000/- per month is on the higher side cannot be entertained. The fact that he is working abroad and he is drawing salary of Rs.15 lakhs per month as claimed by the wife is not



accepted by the Family Court while claim of husband that he is drawing salary of Rs.1 lakh per month is also not accepted by the Family Court. However, having regard to the status of the parties, the Family Court proceeded to grant interim maintenance at the rate of Rs.12,000/- per month.

4. Wife is seeking enhancement of interim maintenance on the ground that she is getting meager salary and she has to look after her daughter who is aged 7 years. Therefore, she claims that she is entitled for enhancement of interim maintenance.

5. Perused the material on record. Wife is a qualified and quite competent to maintain herself and her daughter who is aged 7 years. Husband is working in Abu Dhabi and he admits that he is drawing salary of Rs.1 lakh per month. Therefore, the Family Court taking note of the financial background and status of the parties has rightly awarded interim maintenance at the rate of Rs.12,000/- per month. Neither the interim maintenance awarded by



the Family Court is found to be exorbitant as claimed by the husband nor is on the lower side as claimed by the wife. This Court has taken note of the fact that daughter is aged 7 years and therefore, expenses to maintain the daughter would be well within the means and control of wife. Therefore, interim maintenance of Rs.12,000/- would suffice and would meet the expenses of wife and kid. Therefore, keeping open all the contentions of the parties, this Court is not inclined to entertain these writ petitions. Accordingly, both writ petitions stand ***dismissed.***

SD/-
JUDGE

JTR
List No.: 1 Sl No.: 21