

Puneesh S vs Sandhya

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Court : Karnataka Orders

Decided On : Jul-02-2025

Judge : Lalitha Kanneganti

Appeal No. : WP/26399/2024

Appellant : Puneesh S

Respondent : Sandhya

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF JULY, 2025 BEFORE THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI WRIT PETITION NO. 26399 OF 2024 (GM-FC) C/W WRIT PETITION NO. 25582 OF 2024 (GM-FC) IN WP No. 26399/2024 BETWEEN: PUNEESH S S/O S. NIRMALA AGED ABOUT 35 YEARS, NO. 304, 6TH A CROSS ROAD, 2ND BLOCK, I PHASE, SRINIVASNAGAR, BANASHANKARI 1ST STAGE, BANGALORE - 560 050. PETITIONER (BY SMT. DEEPA J, ADVOCATE) AND: Digitally signed by MEGHA SANDHYA MOHAN D/O MUNIRAJU, Location: AGED ABOUT 30 YEARS HIGH COURT OF NO. 63, SANNIDHI RD, KARNATAKA 1ST BLOCK, NR COLONY,

BASAVANAGUDI, BENGALURU, KARNATAKA - 560 004.
RESPONDENT (BY SRI. MUNISWAMY GOWDA, ADVOCATE) THIS
W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE
CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE

ORDER DATED 04.09.2024 ON I.A.NO. VIII, UNDER SECTION

12 OF THE GUARDIANS AND WARDS ACT, 1890 AND SECTION 151 OF CPC
PASSED BY THE VI ADDL. PRINCIPAL FAMILY -2- JUDGE BENGALURU IN G
AND WC NO. 148/2023 VIDE ANNX-A AND DISMISS IA NO. VIII AND ETC., IN
WP NO. 25582/2024 BETWEEN: SANDHYA D/O MUNIRAJU AGED ABOUT 30
YEARS, NO.13/2, 3RD MAIN ROAD, 3RD CROSS, N.R. COLONY,
BASAVANGUDI, BENGALURU - 560 019. ...PETITIONER (BY SRI. S.G.
MUNISWAMY GOWDA, ADVOCATE) AND: PUNEETH S S/O NIRMALA K AGED
ABOUT 35 YEARS, RESIDING AT 304, 6TH A CROSS ROAD, 2ND BLOCK,
PHASE I SRINIVASANAGAR, BANASHANKARI 1ST STAGE, BANGALORE -
560 050. ...RESPONDENT (BY MS. DEEPA J, ADVOCATE) THIS WP IS FILED
UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING
TO QUASHING THE IMPUGNED ORDER DATED 04.09.24 PASSED BY THE
HONBLE VI ADDL. PRL JUDGE, FAMILY COURT, BENGALURU IN G AND WC
NO. 148/23 ON IA NO VII, AT ANNEXURE-A OF THIS PETITION AND ETC.,
THESE PETITIONS, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP,
THIS DAY, ORDER WAS MADE THEREIN AS UNDER: -3- CORAM: HON'BLE
SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

IN WP.No.26399/2024 The present writ petition is filed by the petitioner/father

aggrieved by the order passed in I.A.No.VIII by the Principal Judge, Family Court,
Bengaluru, whereby the Court had granted maintenance of an amount Rs.20,000/-
to the minor son from the date of filing of IA i.e., from 27.01.2024, till disposal of
the writ petition and also directed to pay one time litigation expenses of
Rs.25,000/-.

2. The parties are referred to as the father and mother for the sake of convenience.

3. Learned counsel appearing for the petitioner/father submits that the father is unemployed. His specialization is in Artificial Intelligence and he has openings in Multi National

Company. As there are criminal cases pending against him, he is not able to secure the job. This Court had directed the father to pay an amount Rs.10,000/- in the earlier round of litigation pending disposal of the application filed for -4- maintenance and the father has been paying the same. It is submitted that the mother has joined the child in an orphanage and as such the father has to take the initiative to put him in a good school and he has paid an amount of Rs.1,20,000/- towards the school fee. For that, he has to redeem the mutual funds which were there from a long time, as he is not having any other source of income.

4. Learned counsel appearing for the petitioner further

submits that once he gets employment, he himself would come forward and will pay the maintenance and at this stage, it is difficult for him to pay the amount. He will be comfortable to pay an amount of Rs.5,000/- p.m., as maintenance and he would be taking care of the educational expenses. Learned counsel also submits that the wife had suppressed the fact with regard to her salary and they have already moved the

petition before the Court and the same is pending adjudication. It is submitted that the amount granted by the Court may be reduced to Rs.5,000/-.

5. Learned counsel appearing for the respondent/mother submits that in fact an amount of -5-

Rs.50,00,000/- that was there in his account is transferred to his parents and other family members and in fact he was doing the job when these proceedings have started, he himself has resigned the said job. It is with the only intention that he

will not pay the maintenance to the wife. It is further submitted that it is the husband, who has taken a decision to join the child in the school and he has paid the school fee. It is submitted that with the amount of Rs.35,000/-, which she is getting as salary, she has to pay rent and also she has to pay all the other expenses. The Family Court had rightly granted an amount of Rs.20,000/- and if the same is reduced, it would cause lot of hardship to the mother and will be difficult to take care of the necessities of the child.

6. In response, learned counsel appearing for the

petitioner/father submits that in fact, when they wanted to purchase the property in the year 2020 and it is the mother and other family members, who have contributed. When they have cancel the agreement of sale, the amounts were returned to the family members and in fact the contribution from the petitioner is only Rs.5,00,000/- and the submission that the

-6- amounts which were lying in the bank account and only for the purpose of evading maintenance, they have been transferred to the other family members, is not correct.

7. Having heard the learned counsels on either side, perused the entire material on record. In the earlier litigation, when the matter had come up before the Court, the father had

filed application for visitation. This Court had passed the order

granting visitation to the father. At that point of time, this Court had directed the father to pay an amount of Rs.10,000/- and he is paying same. When it comes to joining the child in the school, whatever are the reasons for the father to joined the boy in that particular school, this Court, at this point of time, cannot go into that aspect on what are the lapses on the part of the mother, whether she has joined the child in the orphanage. But, the father has taken a conscious decision and he put the child in a school where the fees is Rs.1,20,000/-.

8. It shows that the father was comfortable to pay the

said fees. Whenever a person wants to join his child in the school, he would be joining the child in a school based on their financial capacity. In this case, the father has taken a decision -7-

to put the child in the school, where he has to pay Rs.1,20,000/- towards fee and in those circumstances, this Court cannot believe the version of the father that it is difficult for him to pay the maintenance to the wife. Then coming to the amount of Rs.20,000/- that is granted by the Family Court, already when the father is paying the educational expenses, in the considered opinion of this Court, the amount of Rs.20,000/- that is granted by the Family Court is on the higher side and this Court deems it appropriate to modify the

order and reduce the same to Rs.10,000/-.

IN WP.No.25582/2024 This writ petition is filed by the petitioner-mother

aggrieved by the order on I.A.No.VII in G & WC No.148/2023 passed by the Principal Judge, Family Court, Bengaluru, whereby the Court had granted the interim custody of the minor son to the father for two days i.e., twice in a month i.e., on every 1st Saturday and Sunday and on 3rd Saturday and Sunday and the Court has observed that the father shall pick up the child on or after 10 a.m., on every 1st and 3rd Saturday from the residence of the mother and drop him back on or

-8- before 6 p.m., on the respective Sundays entrusting the custody back to the mother and directed the mother to co-operate in exercising the visitation rights of the father.

2. Learned counsel appearing for the petitioner-mother

submits that the boy is aged about 3 years 10 months and the father was having the visitation and the Court ought not to have granted the overnight custody considering the age of the boy. It is submitted that the boy will not be comfortable with the over night custody and the mother and boy are comfortable for the visitation as earlier granted by the Court and as such the order passed by the Family Court needs to be set aside.

3. Learned counsel appearing for the respondent-father

submits that the boy is very much comfortable with the father, whenever he has to go back to the mother, the child is always insisting to spend some more time with the father and the father and boy are having a good bonding and to take it forward, they have filed an application seeking over night custody and the Court had granted. The mother without any basis has come up before this Court. The order that is passed

-9- by the Court is a well considered one and the writ petition has to be dismissed.

4. Having heard the learned counsels on either side,

perused the entire material on record. In the earlier round of litigation also, this Court had passed orders granting the visitation to the father and there is no complaint that the boy is not comfortable with the father. Even when earlier Bench interacted with parents and also the boy, the Co-ordinate Bench of this Court has observed that the boy is comfortable with the father and it is also an admitted fact that both of

them are staying nearby. In those circumstances, there cannot be an objection to the mother in granting overnight custody to the father.

5. The contentions that are raised on behalf of the

mother, this Court finds no substance and the order that is passed by the Court, is a well considered one and no interference is called for. Accordingly, this Court is passing the following: - 10 -

ORDER

- i. The impugned order passed in I.A.No.VIII by the Principal Judge, Family Court, Bengaluru is modified by reducing the maintenance from an amount of Rs.20,000/- to Rs.10,000/-.
- ii. The father shall continue to pay the school fee.
- iii. Accordingly, WP.No.26399/2024 is disposed off.
- iv. The order passed on I.A.No.VII in G & WC No.148/2023 by the

Principal Judge, Family Court, Bengaluru, is modified to the extent that the mother will get the child to the Krishna Rao Park and from there father will pick up the boy and he will drop the child at the same place. Accordingly, WP.No.25582/2024 is disposed off. v. All I.A's in these writ petitions shall stand closed.

SD/- (LALITHA KANNEGANTI) JUDGE PHM List No.: 1 SI No.: 24

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