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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 30TH DAY OF JUNE 1998

BEFORE

THE HON'BLE Mr. JUSTICE H.L. DATTU

WRIT PETITION No. 18810/1998.

BETWEEN:

Smt. Arundathi
w/o. K. Krishna,
aged 27 years,
r/a. No. 82,
Aryanagar,
84th Main Road,
4th Cross,
J.P. Nagar I Phase,
Sarakki Village Road,
Bangalore - 78.

... PETITIONER

(By Sri A. Mohan Roa, Adv.)

AND :

1. Sri K. Krishna
s/o. Ranganath Rao,
aged 30 years,
No. 53, 6th Main,
5th Block, Jayanagar,
Bangalore - 41.
2. The II Addl Principal
Judge, Family Court,
City Civil Court Complex,
Bangalore - 560 009.

... RESPONDENTS

This writ petition is filed under Articles 226 and 227 of the Constitution of India with a prayer to quash partially impugned order dated 13.03.1998 and etc.

This writ petition coming on for preliminary hearing this day, the Court made the following;

O R D E R

Petitioner is the wife of one Sri K. Krishna working in the Tata Group of Companies.

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Petitioner is before this Court aggrieved by the orders made by the Family Court on an application filed under Sec. 24 of the Hindu Marriage Act in Matrimonial Case of 261/1993. The learned Presiding Officer of the family Court has directed the respondents to pay a sum of Rs.1,000/- p.m. as maintenance and a sum of Rs.1,500/- as legal expenses.

2. Learned counsel appearing for the petitioner vehemently contends before this Court that the order made by the Presiding Officer of the family Court is contrary to the observations made by the Calcutta High Court reported in AIR 1988 CALCUTTA 98 and the observations of the Hon'ble Supreme Court in the case of JASBIR KAUL SEHGAL VS. DISTRICT JUDGE, DEHRADUN, AIR 1997 SC 3397. Further the learned counsel would submit that ~~that~~ the learned Presiding Officer could not have disposed off the application filed by the petitioner without affording an opportunity of hearing to the petitioner to produce material evidence to demonstrate that the respondent is holding movable and immovable properties. In my view the said contention of the learned counsel has no merit whatsoever.

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3. On an application filed by the petitioner for grant of maintenance in a sum of Rs.10,000/- p.m. and a sum of Rs.5,000/- for legal expenses till the disposal of the petition in No. M.C. 261/1993, the learned presiding officer of the family Court taking into consideration the status of the petitioner and the respondent and taking into consideration that the petitioner is already an earning member being employed in a nationalised bank and taking into consideration the salary of the respondent and being of the view that the properties that the petitioner is mentioning is joint family properties and those properties do not stand in the name of the respondent has proceeded to direct a sum of Rs.1,000/- as maintenance and Rs.1,500/- as litigation expenses with effect from 30.10.1995.

4. In my view, the presiding officer of the family Court has not committed any error whatsoever while disposing off the application for maintenance and has taken into consideration the fact situation and has come to the conclusion that the petitioner is entitled for Rs.1,000/- as interim maintenance and Rs.1,500/- as litigation expenses. I do not find any error or illegality committed by the learned Presiding Officer of the Family Court while

disposing of the application.

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In that view of the matter, I decline to entertain the writ petition. Accordingly it is rejected without reference to the respondents. Ordered accordingly.

Sd/-
JUDGE

LRS/WP18810.98/300698

