

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

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DATED THIS THE 17TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

WRIT PETITION NO.38701 OF 2025 (GM-FC)

BETWEEN:

SRI. G. JYOTHI
RAMALINGAM @ JYOTHI
AGED ABOUT 83 YEARS,
SON OF (LATE) A. GANESHAN,
AT PRESENT INPATIENT IN
SUKINO HEALTHCARE SOLUTIONS
PVT. LTD.,
STROKE AND NEURO INPATIENT
REHABILITATION RECOVERY CENTER,
N R TECH STUDIOS, BLOCK A,
NO.104/5, NEAR RACHENAHALLI,
K R PURAM HOBLI,
THANISANDRA,
BENGALURU-560 077.
EVER SINCE 31/05/2024.
FORMERLY RESIDING AT
NO. C-407,
'RENAISSANCE PROSPERO APARTMENT',
BYATARAYANAPURA,
BENGALURU-560 092.

...PETITIONER

(BY SRI. M.D ALAVANDAR.,ADVOCATE (VC))

AND:

SMT. RUBY SYLVIA
AGED ABOUT 67 YEARS,
DAUGHTER OF (LATE) SAMUEL JOSEPH,
RESIDING AT FLAT NO. 104
(2ND FLOOR), AMMA AND
SRI RAMA RESIDENCY
NOS. 364 AND 365,



AMRUTHAHALLI MAIN ROAD,
BYATARAYANAPURA,
BENGALURU-560 092.

...RESPONDENT

(BY SMT.VEENA V., ADVOCATE (VC))

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO WHEREFORE, THE PETITIONER HUMBLY PRAYS THAT THIS HONBLE COURT MAY BE PLEASED TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT OR DIRECTION QUASHING /SETTING ASIDE THE ORDER DATED 20/09/2025 PASSED BY THE HONBLE PRINCIPAL JUDGE, FAMILY COURT, BENGALURU, ON I.A. NO. 3 IN M.C. NO. 773 OF 2021, UNDER THE ORIGINAL OF ANNEXURE G.

THIS PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 24.03.2026 AND COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:

CORAM: HON'BLE DR. JUSTICE K.MANMADHA RAO

CAV ORDER

This Writ Petition is preferred under Article 227 of the Constitution of India, challenging the legality of the order dated 20.09.2025 passed by the Principal Judge, Family Court, Bengaluru, on I.A. No. 3 in M.C.No.773/2021. By the impugned order, the Family Court partly allowed the application for interim maintenance filed by the respondent-wife under Section 36 of the Special Marriage Act, 1954, awarding a monthly maintenance of

Rs.20,000/- from the date of the application 18.07.2022 along with litigation expenses of Rs.30,000/-.

2. The parties appear in the same capacity as Petitioner/Husband and Respondent/Wife as they do before the Family Court.

3. The matrimonial history reveals that the parties were married on 28-07-2010. Following a separation in January 2015, the petitioner-husband initiated M.C.No.773/2021 seeking a decree of divorce. During these proceedings, the respondent-wife moved I.A. No. 3 seeking financial support, which resulted in the order currently under challenge.

4. The learned counsel for the petitioner has brought to the attention of this Court certain clerical and factual oversights in the impugned order. Specifically, the Family Court, in its reasoning, inadvertently referred to the respondent by the name "Smt. C.P. Nandini" and incorrectly noted that the petitioner has "sons," whereas the record indicates he has daughters. It is well-settled that such clerical or arithmetical mistakes do not

necessarily invalidate the substantive relief granted and may be corrected by the trial court upon a proper application for rectification under Section 152 of the Code of Civil Procedure.

5. Turning to the merits of the maintenance award, the petitioner, an 83-year-old senior citizen, has produced extensive medical documentation establishing that he is chronically ill and immobile. He has been an inpatient at a specialized neuro-rehabilitation center since 31.05.2024. The petitioner contends that his current physical state has resulted in a total absence of income and heavy medical debts, making the awarded sum of Rs.20,000/- oppressive.

6. While the Family Court relied on the petitioner's past income tax records and business profits from 2020-2022, the principles of equity as outlined in ***Rajnish v. Neha, (2021) 2 SCC 324***, require the court to consider the "serious disability or ill-health of a spouse" requiring constant care and recurrent expenditure. In this case, the documented inpatient status of the 83-year-old petitioner

is a mandatory factor that warrants a realistic adjustment of the interim award.

7. Balancing the respondent's right to maintenance in a city like Bengaluru against the petitioner's advanced age and significant medical liabilities, this Court finds it just to modify the quantum. Accordingly, the interim maintenance is reduced from Rs.20,000/- to Rs.15,000/- per month.

8. The award of Rs.30,000/- toward litigation expenses remains undisturbed as it is a reasonable sum given the nature of the proceedings.

ORDER

(i). The Writ Petition No. 38701 of 2025 is ***Partly Allowed.***

(ii). The order passed by the Principal Judge, Family Court, Bengaluru, on I.A. No. 3 in M.C. No. 773/2021 dated 20-09-2025 is hereby ***Modified.***

(iii). The petitioner is directed to pay interim maintenance of Rs.15,000/- per month to the

respondent-wife from the date of the application 18-07-2022 until the disposal of the main petition.

(iv). The order regarding litigation expenses of Rs.30,000/- is upheld.

(v). The clerical errors noted in the trial court's order regarding the names and gender of the children may be corrected by the trial court upon a proper application for rectification filed by either party.

(vi). The petitioner is directed to clear the arrears of maintenance at the modified rate within a period of eight weeks from today.

**SD/-
(DR.K.MANMADHA RAO)
JUDGE**

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