



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF SEPTEMBER, 2024

PRESENT

THE HON'BLE MR JUSTICE SREENIVAS HARISH KUMAR

AND

THE HON'BLE MR JUSTICE UMESH M ADIGA

MISCELLANEOUS FIRST APPEAL NO. 426 OF 2019 (FC)

Between:

Sri Shiva Prakash
S/o Late Yellappa,
Aged about 39 years,
R/o Vasavinagara, Sira Gate,
Tumakuru City & District -572101.

...Appellant

(By Sri K.R.Ramesh, Advocate)

And:

Smt. Nagamani @ Mamatha
W/o Shiva Prakash,
D/o Late Kempanna,
Aged about 34 years,
R/o Kundoor, Devarayapattana Post,
Tumakuru Taluk, Tumakuru-572104.

...Respondent

(By Sri V.B.Siddaramaiah, Advocate)

This MFA is filed under section 19(1) of The Family Courts Act against the judgment and decree dated 23.10.2018, passed in M.C.No.239/2015, on the file of the Principal Judge, Family Court, Tumakuru, dismissing the petition filed under section 13(1)(i-a)(i-b) of the Hindu Marriage Act.

This MFA, coming on for orders, this day, order was made therein as under:



CORAM: HON'BLE MR JUSTICE SREENIVAS HARISH KUMAR
AND
HON'BLE MR JUSTICE UMESH M ADIGA

ORAL ORDER

(PER: HON'BLE MR JUSTICE SREENIVAS HARISH KUMAR)

Sri V.B.Siddaramaiah, advocate, files vakalath for the respondent. The appellant's counsel states that all the office objections are complied with.

2. This appeal was dismissed for non-prosecution on 10.06.2022. An application as per I.A.2/2024 has been filed to recall the said order. Since there is a delay of 796 days in filing the application-I.A.2/2024, I.A.1/2024 has been filed seeking to condone the delay. Since the matter has been settled between the parties, the order dated 10.06.2022 can be recalled to record compromise. For this reason, the delay of 796 days is condoned and I.A.1/2024 is allowed. I.A.2/2024 is allowed, the order dated 10.06.2022 is recalled.

3. Today the appellant Sri Shiva Prakash and the respondent Smt. Nagamani @ Mamatha are present before the court with their respective advocates and present a compromise petition under Order XXIII Rule 3 of CPC. The



contents of the compromise are read over and explained to the parties in Kannada language. The parties admit that they have entered the compromise voluntarily and that they are aware of the contents of the compromise petition.

4. This appeal arises out of judgment of the Family Court, Tumakuru, dismissing the divorce petition M.C.239/2015 filed by the appellant. The compromise petition discloses several criminal actions initiated by the respondent against the appellant. The respondent has given consent for withdrawing all those criminal petitions.

5. By virtue of this compromise the parties have agreed for dissolution of their marriage and they have withdrawn the mutual allegations. The appellant has agreed to pay a sum of Rs.24,00,000/- to the respondent towards her alimony and the maintenance of the minor daughter, Kumari Neha. Today respondent receives a DD for Rs.24,00,000/- from the appellant. Out of Rs.24,00,000/-, the respondent shall keep a sum of Rs.15,00,000/- in fixed deposit in the name of the minor daughter till she attains majority.



6. The terms of the compromise are lawful. Since the marriage between the appellant and the respondent has broken down, it is expedient in the interest of justice that they are to be separated. In this view, compromise is accepted, judgment of the Family Court in M.C.239/2015 is reversed. The marriage solemnized between the appellant and the respondent on 19.5.2011 is dissolved. Decree shall be drawn in terms of the compromise petition.

Sd/-
(SREENIVAS HARISH KUMAR)
JUDGE

Sd/-
(UMESH M ADIGA)
JUDGE

CKL/
List No.: 1 Sl No.: 17