



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF AUGUST, 2024

PRESENT

THE HON'BLE MR JUSTICE SREENIVAS HARISH KUMAR

AND

THE HON'BLE MR JUSTICE UMESH M ADIGA

MISCELLANEOUS FIRST APPEAL NO. 8202 OF 2018 (FC)

BETWEEN:

SRI. M. RAVI
S/O M. VENKATESHWARULU
@ VENKATESH,
AGED ABOUT 34 YEARS,
RESIDING AT NO.616,
7TH CROSS,
CHENNAKESHA NAGAR,
HOSA ROAD,
ELECTRONICS CITY POST,
BENGALURU-560 100.

...APPELLANT

(BY SRI. K P CHANDRASHEKAR REDDY, ADVOCATE)

AND:

SMT. T. CHAITANYA @ SUPRIYA
W/O. SRI. M. RAVI,
D/O T. RAMUDU,
AGED ABOUT 32 YEARS,
RESIDING AT NO.50/348 L 28A,
ARORA NAGAR 'B' CAMP,
KURNOORL-518 002,
KURNOOL DSITRICT,
ANDHRA PRADESH.

...RESPONDENT

(BY SRI. C. N. RAMALINGA REDDY, ADVOCATE (ABSENT))

THIS MFA IS FILED UNDER SECTION 19(1) OF HINDU
MARRIAGE ACT, AGAINST THE JUDGMENT AND DECREE DATED



08.08.2018 PASSED IN M.C.NO.4444/2014, ON THE FILE OF THE I ADDL.PRINCIPAL JUDGE, FAMILY COURT, BENGALURU, DISMISSING THE PETITION FILED UNDER SECTION 13(1)(ia) OF THE HINDU MARRIAGE ACT.

THIS APPEAL, COMING ON FOR FINAL HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

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

ORAL JUDGMENT

(PER: HON'BLE MR JUSTICE UMESH M ADIGA)

The petitioner in M.C.No.4444/2014 on the file of I Addl. Principal Judge, Family Court, Bengaluru, (for short `trial court'), has filed this appeal challenging the judgment and decree dated 08.08.2018 passed in the above said case.

2. For the sake of convenience, we refer to the parties as per their ranks before the trial court.

3. It is the case of the petitioner that respondent is his wife and their marriage was solemnised on 12.05.2013 at Sri Seetaramanjaneyaswamy Temple, Weavers Colony, Yemmiganuru, Kurnool District, Andhra Pradesh, in



accordance with Hindu customs, rites and rituals. Both petitioner and respondent got registered their marriage on 21.05.2013. Petitioner was residing with his parents at Bengaluru. Respondent came to the house of the petitioner in Bengaluru to lead marital life. Their relationship was cordial for a few days was cordial. Thereafter, respondent started harassing petitioner and his parents. She did not discharge her marital obligations. She insisted the petitioner to live separately from his parents but he did not agree. In this regard, dispute started between them. The respondent wanted to bring her parents, brothers and sisters to stay along with her if the petitioner lived separately from his parents. When her desire was not fulfilled she started ill-treating him and quarrelling with him without any reasons. She was non-cooperative.

4. It is the further case of petitioner that respondent was aggressive and without any reasons used to become upset and throw utensils at home. She was taking money from the petitioner and give it to her parents. The respondent was conveying wrong information to her parents



and her father was coming to Bengaluru and threatening the petitioner that he would file complaint to police against him and his parents, if they did not take proper care of respondent. Petitioner was of the opinion that respondent was suffering from some mental disorder. Petitioner also learnt that respondent was engaged earlier and the said relationship was broken. Before breaking the relationship, the respondent had physical relationship with the said proposed groom.

5. It is the further contention of the petitioner that, after he was leaving home in the morning to go to office, respondent was also leaving home in the morning and return in the evening. When petitioner questioned her in this regard, respondent told him that she had every right to go wherever she liked and he and his parents had no right to question her. Several panchayaths were held in vain. Even she tried to practise black magic on him with an intention that he should obediently follow her directions. When he came to know the same, she left the house of the petitioner and started residing with her parents in their house.



6. Petitioner further contended that he tried to bring her back, but she refused to join the petitioner. To take revenge against petitioner and his relatives, she and her parents lodged false complaint against the petitioner, his parents and nearby relatives at Kurnool police station in Andhra Pradesh State, in which they had to face criminal trial and in the said criminal case, they were convicted. They have challenged the same before the appellate court. The respondent had no intention to lead happy marital life with petitioner. She wanted to harass, torture, ill-treat the petitioner, as well as members of his family. She treated them cruelly. Therefore, it was impossible for the petitioner to live and lead a marital life with the respondent. For these reasons, petitioner sought for decree of divorce on the ground of cruelty.

7. The respondent admitted the marriage and leading marital life with petitioner in his house at Bengaluru for short period. She denied all the allegations made against her and her parents. She contends that the petitioner and his parents treated her cruelly and badly. The parents of the petitioner



did not allow her to stay with the petitioner and lead marital obligations. The respondent is a MCA graduate and she was not doing any job. After the marriage, petitioner and his parents started insisting the respondent to join the job and earn for the family. When she refused to work, petitioner and his parents started ill-treating and harassing her. Sisters of the petitioner were residing nearby to the house of petitioner. Most of the time they were in the house of petitioner. Petitioner, his parents and sisters were treating her as maid servant and forcing her to prepare different varieties of food and serve them. Petitioner and members of his family without giving rest, cruelly treated her. She became pregnant and due to untold harassment of the petitioner and his parents, her pregnancy was aborted. Thereafter, parents of the petitioner sent her out of matrimonial house. Hence, helplessly she went to her parents' house and has been residing in her parents' house.

8. Respondent has further contended that several panchayaths were held for reunion, but petitioner and his parents were not ready to accept the respondent. In view of



these reasons, respondent requested the petitioner to make a separate residence for herself and petitioner. For that also, petitioner did not agree. Respondent also came to know that petitioner's parents, as well as his relatives were insisting him to marry for second time with another woman. Therefore she lodged complaint against the petitioner, his father, mother, sisters and their respective husbands. The police filed final report and criminal case came to be registered against them in C.C.No.152/2016, on the file of Judicial Magistrate of First Class, Special Mobile Court, Kurnool, for the offences punishable under Sections 498-A, 312, 506 read with Section 34 of IPC and Sections 4 and 6 of the Dowry Prohibition Act, 1961. In the said case, the accused were convicted.

9. It is further case of respondent that at no point of time, the petitioner has made any attempt to take her back to the matrimonial home. Petitioner was not at all interested in continuing the marital relationship and without any reasons, he wants to end the relationship with her, but respondent is ready to continue her marital relationship with



the petitioner and reunite with the petitioner. There are no valid reasons for grant of divorce and hence prayed for dismissal of petition.

10. During trial, petitioner got himself examined as PW-1 and got marked documents from Exs.P-1 to P-6. The respondent herself was got examined as RW-1 and got marked documents from Exs.R-1 to R-3.

11. The trial court after hearing the arguments and appreciating the pleadings and evidence on record, by the impugned judgment dismissed the petition. The same is challenged before this Court by the petitioner-husband on the grounds stated in the appeal memo.

12. We have heard the arguments of learned counsel for the appellant and perused the materials on record. There is no representation for the respondent.

13. Following question arises for our determination :

Whether the learned trial Judge is justified in dismissing the petition filed for divorce?



Our answer on above question is in the negative for following reasons :

14. The fact that marriage of the petitioner with respondent and she was residing with the petitioner in his parents' house at Bengaluru are not disputed. The marriage was solemnized on 12.05.2013. The respondent left the company of the petitioner during February 2014. Thereafter, they never resided together. There are allegations and counter allegations. PW-1 during his evidence has reiterated the facts pleaded in the petition. He was thoroughly cross-examined, but nothing was brought out to discard his evidence. The respondent in the counter statement filed before the trial court, has stated that she insisted for a separate residence, but petitioner did not agree. It is the contention of learned counsel for the petitioner that due to the said reason, she was not ready to lead marital life.

15. From the contentions of the respondent, the said case of petitioner cannot be ruled out. The petitioner is the only son to his parents and he is under moral and legal obligation to look after his aged parents. It was known to



the respondent before marriage. Therefore, refusal to look after the parents of the petitioner and insisting petitioner to live separately from his aged parents and not to take care of them is nothing but mental agony and harassment to the petitioner.

16. It is not in dispute that respondent has filed a complaint in Kurnool police station and on that basis, criminal case was registered against petitioner, his parents and nearer relatives. The said complaint was registered as C.C.No.152/2016 before the Court of J.M.F.C., Kurnool, wherein they were convicted. During pendency of this appeal, appellant and his relatives filed Criminal Appeal No.85/2017, before I Addl.District and Sessions Judge, Kurnool. The said appeal was allowed by judgment dated 08.09.2020 and appellant and his relatives were acquitted of the alleged charges.

17. Petitioner and members of his family were dragged to police station and court to face criminal trial. The said case was not compounded but after facing trial for about five years, they were acquitted by the appellate court. It



indicates that respondent was not interested in continuing marital relationship. Petitioner and members of his family have suffered from mental harassment and torture. It also amounts to cruelty against petitioner and his relatives. From these facts, it can be inferred that the relationship between both the parties are strained. It may not be possible to both of them to reside under the same roof. In such circumstances, rejecting the petition for divorce is an harsh order against the appellant.

18. It appears, for last ten years the petitioner and the respondent are residing separately and they could not settle their dispute and reside together. As rightly observed by the trial judge, the relationship between both the parties has broken down irretrievably. Both the parties even did not try to settle their differences in the interest of their future life. Therefore, it is a fit case to grant divorce.

19. From the pleading and evidence of the petitioner, it appears that due to filing of the criminal case by the respondent with several allegations spoiled and destroyed the relationship between them. Under these circumstances,



even if the appeal is dismissed, both parties cannot live together under same roof because both have lost trust, love and affection on each other. Hence, it is a deserving case to allow the appeal and grant the relief as prayed in the petition. The learned trial Judge has not considered these facts. Therefore, interference in the said finding is required.

20. From the aforesaid discussion, we proceed to pass the following :

ORDER

The Appeal is ***allowed*** and the parties shall bear their own costs.

The impugned judgment passed by the learned I Addl. Principal Judge, Family Court, Bengaluru, in M.C.No.4444/2014, dated 08.08.2018, is set aside.

Petition is allowed. The marriage solemnized between petitioner and respondent dated 12.05.2013 at Sri Seetaramanjaneyaswamy temple, Yemmiganuru, Kurnool District of Andhra Pradesh, is dissolved under Section 13(1)(i-a) of Hindu Marriage Act, 1955.



Registry to transmit the records along with copy of this judgment to the concerned Court without delay.

Sd/-
(SREENIVAS HARISH KUMAR)
JUDGE

Sd/-
(UMESH M ADIGA)
JUDGE

bk/
List No.: 1 SI No.: 12