



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND 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. 911 OF 2020 (FC)

BETWEEN:

DR. TULASIRAM,
S/O SRI. KRISHNAMURTHY,
AGED ABOUT 41 YEARS,
RESIDING AT NO.244,
'SHIVASHAKTHI NILAYA',
1ST STAGE, 3RD CROSS,
3RD MAIN, ITI LAYOUT,
CHANDRA LAYOUT,
BENGALURU - 560 039.

...APPELLANT

(BY SRI. NAIK N R., ADVOCATE)

AND:

SMT. SHILPASHREE,
W/O DR.TULASIRAM
AGED ABOUT 29 YEARS,
RESIDING AT NO.28,
26TH BLOCK, 1ST FLOOR,
SHAKTHINAGAR MAIN ROAD,
NEAR B.S.N.L TOWER,
MYSURU - 570 039.

...RESPONDENT

(BY SRI. BASAVARAJU., ADVOCATE)

THIS MFA IS FILED U/S.19(1) OF FAMILY COURT ACT,
AGAINST THE JUDGMENT AND DECREE DT.25.11.2019 PASSED IN
MC NO.754/2018 ON THE FILE OF THE II ADDITIONAL PRL. JUDGE,
FAMILY COURT, MYSURU, ALLOWING THE PETITION FILED
U/S.13(1), (ia), (iii) 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)

This is respondent's appeal against the judgment and decree passed by the II Addl. Prl.Judge, Family Court, Mysuru, (hereinafter for brevity referred to as 'Family Court'), in M.C.No.754/2018, dated 25.11.2019.

2. We refer the parties as per their rank before the Family Court.

3. The facts in brief of case of both the parties before the Family Court were that :

The respondent is the husband of the petitioner. Their marriage was solemnised on 04.12.2016 at Kalabyraweshwara Swamy Temple, Nadaprabhu Kempegowda Jodi Road, BEML Layout, Rajarajeshwari Nagara, Bengaluru, in accordance with the customs and rituals prevailed in the Hindu community. After marriage,



the petitioner went to the house of respondent to lead marital life. The respondent was residing with his parents, younger brothers and sister. Though the sister of the respondent is married, she is residing nearby the house of the respondent and frequently, she used to visit the house of the respondent. The petitioner was compelled to work at home though she is an Engineer in graphic design and prior to marriage, she was working in Bengaluru.

4. The respondent, his parents, brothers and sister used to harass and ill-treat the petitioner. They compelled the petitioner to work from morning till evening. Still, they were not happy with her work and they used to give all sorts of mental torture.

5. It is further case of the petitioner that after marriage, the respondent has not performed his marital obligations. There was no physical relationship between the petitioner and respondent. After marriage, petitioner had not taken her to honeymoon. During subsistence of their



marital life, even he had not taken her to any restaurant or movie.

6. It is further case of the petitioner that respondent is suffering from mental disorders. He has been consuming drugs for the treatment of mental disorder. During April 2018, he met with an accident and sustained fracture of right elbow. In addition to regular drugs, he was also taking the drugs for treatment of the said fracture.

7. Due to intolerable harassment meted to her, she informed the same to her family members and left the respondent and went to her parents' house. A panchayath was also held in this regard. The respondent promised before the panchayath that he would take care of her and provide all the requirements, but he did not keep up his assurance.

8. It is further case of petitioner that respondent is working as a Medical Officer in Primary Health Centre, Jalamangala of Ramanagara Taluk and he was earning salary of Rs.64,250/- per month. His parents own a building



consisting of three floors. The respondent is liable to maintain the petitioner and pay permanent alimony to lead her life as per her standards. The respondent is liable to pay permanent alimony of Rs.30 lakhs to the petitioner. With these reasons, the petitioner prayed for grant of decree of divorce and permanent alimony.

9. The respondent denied all the averments of the petition and he contended that petitioner is not entitled for any of the reliefs sought in the petition and prayed for dismissal of the same.

10. During trial of the case, the petitioner examined herself as PW-1 and got marked documents from Exs.P-1 to P-13. The respondent got himself examined as RW-1 and got marked documents from Exs.R-1 and R-19.

11. After hearing both parties, the Family Court, appreciating the pleadings and evidence on record, allowed the petition and granted the decree of divorce as prayed. The Family Court has also awarded permanent alimony of Rs.15 lakhs, by the impugned judgment and decree dated



25.11.2019. The same is challenged in the present appeal by the respondent-husband.

12. We have heard the arguments on both side and perused the materials on record.

13. Learned counsel for the appellant vehemently contended that though in the appeal, the appellant has sought for setting aside the impugned judgment and a decree for divorce, since relationship between both petitioner and respondent has become irreversible, he does not press the said relief of setting aside the decree of divorce and the appellant restrict his appeal only in respect of quantum of permanent alimony awarded by the Family Court.

14. Learned counsel for the appellant would further submit that, as stated in the petition, the respondent has to look after his parents and other members of the family. He is working as a Medical Officer in government hospital. Considering his liabilities and other expenses, the amount of permanent alimony awarded to the petitioner is on the higher side and exorbitant. The petitioner is well qualified



and a graphic design engineer. She has been earning after living separately from the respondent. Considering the same, the amount of permanent alimony awarded by the Family Court be reduced.

15. Learned counsel for the petitioner would submit that respondent is working as a Medical Officer in the government hospital. At the time of filing of the petition, his basic salary was Rs.65,000/-. The petition was filed during the year 2018. At present, income of respondent might be much more than as stated in Ex.P-7. The petitioner is not married and she is not doing any work. For her maintenance, the amount awarded by the Family Court is not too high, but, reasonable considering facts and circumstances of present case. Petitioner has to lead her life with certain standard of living as she was wife of a Gazatted officer. Hence said finding does not call for interference. She claimed Rs.30 lakhs as permanent alimony, however, the Family Court awarded Rs.15 lakhs. She is aged about 30 years. Therefore, the said amount is meager and hence,



question of reduction in the said amount does not arise.
Therefore, prayed for dismissal of the appeal.

16. After hearing the learned counsels for the parties,
following points arise for our consideration :

*(i) Whether the Family Court has awarded
excess amount of permanent alimony and
interference in the said finding is required?*

(ii) What order?

17. Our finding on the above point is in the negative
for the following reasons :

The Family Court after appreciating the materials on
record, granted the decree of divorce. Though the said
decree is challenged in the present appeal, now the appellant
has restricted the appeal only in respect of permanent
alimony. Therefore, there is no need to interfere in the
findings of the Family Court regarding grant of decree for
divorce.

18. It is not in dispute that Ex.P-7 is the pay slip of the
petitioner for the month of January 2019. According to the
said pay slip, he was drawing the gross salary of



Rs.93,799/-. The respondent has not produced any materials to show that after petitioner started residing separately, she started working and earning income. It is also not the case of the petitioner that after grant of decree of divorce, she got re-married. The learned trial Judge at Paragraph-33 of the impugned judgment has considered the age of the respondent, remaining period of his service and his liabilities etc., and awarded the permanent alimony of Rs.15 lakhs. In our opinion, the said amount is not exorbitant or excessive as she has to live as per her standard/status. She is a divorced wife of Class-1 government officer; she has to maintain the standards of life. For the said purpose, the amount awarded by the Family Court is reasonable. Considering the income and liabilities of the respondent, the Family Court has awarded proper amount of alimony. We do not find any reason to interfere in the said finding.

19. For the above said reasons, we pass the following order :



ORDER

[i] The Appeal is ***dismissed***.

[ii] The impugned judgment and decree passed by the II Addl. Prl.Judge, Family Court, Mysuru, in M.C.No.754/2018, dated 25.11.2019, stands confirmed.

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 Sl No.: 11