



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 25TH DAY OF NOVEMBER, 2025

PRESENT

THE HON'BLE MR. JUSTICE S G PANDIT

AND

THE HON'BLE MRS JUSTICE GEETHA K.B.

MISCELLANEOUS FIRST APPEAL NO.101779 OF 2015 (MC)

BETWEEN:

RUKMINI W/O. RATNAKAR JILLEDAR
AGE: 62 YEARS, OCC: RETIRED TEACHER,
R/O. KOTHAL, VIVEKANAND NAGAR,
11TH CROSS, GOKAK, DIST: BELAGAVI

...APPELLANT

(BY SRI PRASHANT MATHAPATHI, ADVOCATE.)

AND:

1. RATNAKAR S/O. TUKARAM JILLEDAR
SINCE DECEASED BY LRS

1A) SMT. DUNDAWWA W/O. TUKARAM JILLEDAR
AGE: 84 YEARS, OCC: HOUSEHOLD WORK,
R/O. KANCHAKARWADI, TQ. RAIBAG,
DIST: BELAGAVI.

1B) RATI @ RAKSHITA W/O. BHARATKUMAR ITI
AGE: 35 YEARS, OCC: HOUSEHOLD WORK,
R/O. NEAR BASAVESHWAR COLLEGE,
VIDYANAGAR, BAGALKOTE.

...RESPONDENTS

(BY SRI SHIVARAJ P. MUDHOL, ADVOCATE.)

THIS MISCELLANEOUS FIRST APPEAL IS FILED UNDER
SECTION 28 OF THE HINDU MARIAGE ACT, 1955, PRAYING TO
SET ASIDE THE JUDGMENT & ORDER DATED 30.04.2015,
PASSED IN M.C.NO.34/2009, ON THE FILE OF SENIOR CIVIL



JUDGE & JMFC, RAIBAG, DECREERING THE PETITION FILED BY THE HUSBAND AND GRANTING A DECREE OF DIVORCE, IN THE INTEREST OF JUSTICE AND EQUITY.

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

CORAM: THE HON'BLE MR. JUSTICE S G PANDIT
AND
THE HON'BLE MRS JUSTICE GEETHA K.B.

ORAL JUDGMENT

(PER: THE HON'BLE MR. JUSTICE S G PANDIT)

The above mentioned appeal is directed against the judgment dated 30.04.2015, passed in M.C.No.34/2009, on the file of the Senior Civil Judge and JMFC, Raibag, whereunder, the respondent's petition under Section 13(1)(ia) and (ib) of the Hindu Marriage Act, 1955 was allowed, dissolving the marriage solemnized on 14.04.1984 between the appellant and the respondent.

2. It is noted that the respondent died during the pendency of the appeal on 20.11.2016. The L.Rs. of respondent i.e., mother and daughter are brought on record. It is submitted that respondent No.1(a) also died during the pendency of the appeal. The appellant and



respondent No.1(b) i.e., daughter of the appellant have arrived at settlement before the mediation.

3. The terms and conditions of the memorandum of agreement entered into between the appellant and respondent No.1(b) daughter of the appellant reads as follows:

"1. That the Appellant and Respondent No.1B have settled their dispute and agreed to receive their equal shares (1/2 share each) in the following landed properties situated at Kanchakarwadi village, Taluk: Raibag, District: Belagavi.

<i>Sl.No.</i>	<i>Survey Numbers</i>	<i>Measurement</i>
<i>1.</i>	<i>R.S.No.753/10B</i>	<i>3 Acres 8 guntas</i>
<i>2.</i>	<i>R.S.No.710/1A</i>	<i>8 Acres 37 guntas out of that 3 guntas</i>
<i>3.</i>	<i>Farm House put up in R.S.No.710/1A</i>	

2. That appellant and Respondent 1B have agreed that the appellant has right to enjoy the fruits of the properties during her life time, after her demise the share allotted to the appellant shall be vest with her grand children's namely Jiya B. Eiti and Anushka B. Eiti (Daughters of Respondent 1B). Both parties



have agreed that they will not create any 3rd party interest, not alienate, not create any charges on the suit properties during life time of the appellant.

3. That due to the demise of the Respondent No.1 (Ratnakar Tukaram Jilledar), the Government is to release arrears of monetary benefits and pensionary benefits. Both the parties have agreed that in the said arrears of amount, if any, the appellant is entitled to receive Rs.10,00,000/- (Ten Lakhs Rupees only) for her Medical Expenses and her livelyhood.

The remaining amount the appellant is agreed to keep the same amount in fixed deposit in the Nationalized Bank in the name of appellant with a condition appellant is entitle to receive only interest and nominating the grand children's as her nominee. That during the lifetime of the appellant she is not entitled to withdraw the fixed deposit amount. The appellant is entitled to receive the family pension of her Husband.

In terms of the above, both the parties have settled their disputes."

4. The appellant and respondent No.1(b) daughter of appellant and original respondent are present before the



Court and they are identified by their respective learned counsels.

5. In view of the settlement arrived at between the appellant and respondent No.1(b), in terms of the settlement, the appeal stands disposed of.

6. In view of disposal of the appeal, pending interlocutory applications, if any, stand disposed of as they do not survive for consideration.

**Sd/-
(S G PANDIT)
JUDGE**

**Sd/-
(GEETHA K.B.)
JUDGE**