



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 24TH 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. 101630 OF 2021 (FC)

BETWEEN:

PREMA W/O. SUNIL PALTANKAR
AGE. 32 YEARS, OCC. POSTAL ASSISTANT,
R/O. HEAD POST OFFICE, KOPPAL,
RO. D.M.DRAKSHI, PRAGATI NAGAR,
KINNAL ROAD, KOPPAL-583231
TQ.DIST. KOPPAL.

...APPELLANT

(BY SRI C.S. SHETTAR, ADVOCATE)

AND:

SUNIL S/O. LATE SHIVAJI PALTANKAR
AGE. 43 YEARS, OCC. AGRICULTURE,
R/O. C/O. D.H.KAPSE, VIDYAGIRI SAVADATTI ROAD,
NARAGUND-582207,
TQ. NARAGUND, DIST. GADAG.

...RESPONDENT

(BY SRI SHEKARGOUDA M. NAGUNURI, ADVOCATE)

THIS MFA IS FILED U/S.19(1) OF THE FAMILY COURT ACT 1984,
PRAYING TO ADMIT THE APPEAL AND CALL FOR THE RECORDS OF THE
TRIAL COURT AND ALLOW THE APPEAL REVERSING THE JUDGMENT
AND DECREE DATED 19.04.2021 PASSED IN MATRIMONIAL CASE
NO.82/2020 ON THE FILE OF THE PRINCIPAL JUDGE FAMILY COURT
KOPPAL, THEREBY GRANT DECREE OF DIVORCE DISSOLVING THE
MARRIAGE OF APPELALANT WITH THAT OF RESPONDENT PERFORMED
ON 29.04.2004 AND ETC.,.



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)

Learned counsel, Sri Shekargouda M Nagunuri submits that he has filed vakalath for respondent.

2. This appeal filed under Section 19(1) of the Family Court Act, 1984 is directed against the judgment dated 19.04.2021 in M.C.No.82/2020 on the file of Principal Judge, Family Court, Koppal, by which the appellant's petition filed under Section 13(1)(ia)(ib) of Hindu Marriage Act, 1955 (for short, '1955 Act') was dismissed.

3. Both appellant and respondent are present before the Court. They are identified by their respective learned counsels, Sri C.S.Shettar and Sri Shekargouda M Nagunuri.



4. Learned counsels would submit that during the pendency of the appeal, with the intervention of elders, the parties have arrived at settlement and accordingly they have filed petition under Section 13B of 1955 Act today before the Court. Along with the petition, application under Section 13B(2) of 1955 Act is also filed seeking waiving of six months cooling period for grant of divorce under Section 13B of 1955 Act.

5. Learned counsels would submit, that the parties are litigating since 2020 for nearly five years. As such, they submit that it is a fit case for waiving six months cooling period for grant of consent divorce under Section 13B of 1955 Act.

6. The petition and application filed by the parties is taken on record.

7. The terms of Section 13B petition reads as follows:



"3. It is submitted that pending this appeal as there is irretrievable breakdown of marriage and at the intervention of elders, the parties herein have amicably agreed to resolve the lis. As per the terms agreed herein, the parties have agreed to dissolved the marriage dated: 29-04-2004. It is also submitted that there are no chances of any restitution.

4. It submitted that since both the parties are working (Appellant - wife is employed at Indian Postal Department and Respondent is self-employed / Private Service) and are having independent income/earnings, they (Appellant and Respondent) have agreed to waive off their rights of maintenance, rights / share over any movable or irremovable properties either existing or acquired in future. They also agreed to waive the rights over service benefits against each other.

5. It is submitted that the parties have agreed to withdraw all the allegations against each other (especially allegations made by Appellant against this Respondent) made either in this appeal or before the Trial Court.

6. It is submitted that since parties are residing separately from 2018, the parties have agreed and also respectfully seek for waiving off the cooling / waiting period of six months. Parties further seek to treat this appeal as a petition filed U/S. 13 B of the Hindu Marriage Act.

7. It is submitted that the daughter - Sanvi is under the care of custody of Appellant-wife. She has also admitted and agreed to take care of her educational, medical and other expenses all by herself and that she will not claim any maintenance (past, present and future) either for herself or for her daughter.

8. It is submitted that the Respondent-husband reserves visiting rights over his daughter Sanvi and also reserves his right to talk to her over the phone call provided the best interest of the daughter is protected. It is also agreed that the Respondent shall not force or use any undue measures / coercive steps to take custody of the daughter Sanvi. In the event of changed circumstances, the



parties seek liberty to file appropriate application to revive this order only in so far as visiting rights of Respondent.

9. *It is submitted that there is no any force, mistake, mis-representation or undue influence on the parties in arriving at this settlement. The contents are read over and explained to the parties in both English and Kannada language."*

8. Since the parties are litigating from the year 2020 for nearly five years, the six months cooling period for grant of divorce under Section 13B of 1955 Act is waived.

9. The marriage of the appellant and respondent solemnized on 29.04.2004 at Naragund stands dissolved.

10. Accordingly, the appeal is allowed. Judgment dated 19.04.2021 in M.C.No.82/2020 on the file of Principal Judge, Family Court, Koppal is modified to the above extent.

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

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