



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 12TH 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. 106469 OF 2024 (FC)

BETWEEN:

SHRI VIJAY S/O. JAYARAM PATIL
AGE: 36 YEARS, OCC: PRIVATE SERVICE (NOW NIL),
R/O. PLOT NO.40, S.NO.71/1-A,
SARASWATI NAGAR, GANESHPUR,
BENKANAHALLI, HINDALAGA,
BELAGAVI-591108,
TQ. AND DIST-BELAGAVI.

...APPELLANT

(BY SRI. DEEPAK S. KULKARNI, ADVOCATE)

AND:

SMT. RITU W/O. VIJAY PATIL
D/O. MARUTI S/O. NARAYAN PATIL
AGE: 27 YEARS, OCC: HOUSEHOLD WORK,
AT POST KASBA NANDGAD,
TQ. KHANAPUR, DISTRICT BELAGAVI-591120.

...RESPONDENT

(BY MISS TRUPTI P. SADEKAR, ADVOCATE)

THIS MFA IS FILED UNDER SECTION 19(1) OF THE FAMILY COURTS ACT 1984 PRAYING THAT, THE JUDGMENT AND DECREE DATED 27.09.2024 PASSED BY THE PRINCIPAL JUDGE, FAMILY COURT, BELAGAVI IN M.C. NO.211/2020, MAY KINDLY BE SET ASIDE AND BY ALLOWING THE PETITION OF THE APPELLANT FILED IN M.C. NO.211/2020 ON THE FILED OF THE PRINCIPAL JUDGE, FAMILY COURT, BELAGAVI.



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)

This Appeal filed under Section 19(1) of the Family Courts Act, 1984 is directed against the judgment dated 27.09.2024 in M.C.No.211/2020 on the file of Principal Judge, Family Court, Belagavi, whereby the appellant's petition filed under Section 9 of the Hindu Marriage Act, 1955 is dismissed.

2. Appellant-Sri.Vijay and respondent-Smt.Ritu are present before the Court along with their counsel Sri.Deepak S Kulkarni and Miss.Trupti P Sadekar respectively and the parties are identified by their respective counsels.

3. During the pendency of this appeal, appeal was referred to mediation vide order dated 05.11.2025. Before



the mediation, the parties have arrived at settlement and settlement report dated 12.11.2025 is filed before this Court. Memorandum of agreement arrived at by the parties reads as follows:

"1. That the marriage of the Appellant/husband and the Respondent/wife was solemnized on 14-05-2019 at Shubham Garden, Jamboti Road, Ramgurwadi Cross, Khanapur, District- Belagavi, as per the Hindu marriage rites and custom. The said marriage was registered on 27-01-2020.

2. Thereafter, On 03-08-2020, the Appellant has filed the petition for Restitution of Conjugal Rights under Section 9 of the Hindu Marriage Act before the Hon'ble Principal Judge, Family Court, Belagavi under M.C. No-211/2020. The Principal Judge, Family Court, Belagavi, dismissed the M.C.No-211/2020, filed for Restitution of Conjugal Rights under Section 9 of the Hindu Marriage Act, by its Judgment and Decree dated: 27-09-2024. The Appellant has filed the present Appeal aggrieved by the Judgment and Decree dated: 27-09-2024 passed in M.C. No-211/2020.

3. The Appellant and the Respondent led happy married life about 7 months at Saraswati Nagar, Hindalga, Belagavi and from the said marriage no issues have born. Since 16-03-2020, both the Appellant and the Respondent have been residing separately and there is no cohabitation or any type of relation between the Appellant and Respondent.

4. That since beginning the elders of the family of the Appellant and the Respondent, their relatives, friends & experts have tried their best, to settle the matter between the Appellant and the Respondent. But those efforts have been totally failed. During the pendency of the above said cases also the efforts have been made to settle the matter between the Appellant and the Respondent. Now both the Appellant and the Respondent have realized that they cannot lead their married life together since there is no



mutual understanding between them and there have been lot of difference of opinions between both the Appellant and the Respondent, which made totally impossible for them to lead their married life together. Therefore, both the Appellant and the Respondent have decided to lead their life separately & independently according to their own wish and will. Therefore both the Appellant and the Respondent have constrained to file the present petition for Divorce by mutual consent.

5. That due to the frequent quarrels, difference of opinion, misunderstanding and strained relations between both the Appellant and the Respondent, they have been residing separately and leading their life separately. Both the Appellant and the Respondent have been residing separately since more than 5½ years i.e. since 16-03-2020.

6. That both the Appellant and the Respondent have come to clear and definite conclusion that their marital relationship has reached an irretrievable point and it is not possible for them to continue to live as husband and wife any more. The marriage has irretrievably broken down and there are no hopes of reunion.

7. The Appellant and the Respondent have no any issues/children. Both the Appellant and the Respondent wants to lead their life separately, independently and afresh & both the Appellant and Respondent determined to take divorce. Therefore, both the Appellant and the Respondent constrained to file this petition for consent divorce.

8. There is no force, fraud, undue influence, misrepresentation and coercion in filing the present petition for divorce by mutual consent. Both the Appellant and the Respondent voluntarily decided to lead their life independently and afresh, by getting the Divorce by mutual consent, therefore both the Appellant and the Respondent have filed this petition.

9. The Respondent/wife has agreed for permanent alimony of Rs.10,50,000/-(Rupees Ten Lakh Fifty Thousand Only). The Respondent/wife agreed that she has already received



Rs.5,00,000/-(Rupees Five Lakhs Only) from the Appellant/husband'. And now the Respondent/wife has received the remaining balance amount of Rs.5,50,000/-(Rupees Five Lakhs Fifty Thousand Only) through a Demand Draft bearing No.604418 dated: 20-09-2025 drawn on the State Bank Of India, Khanapur Branch, District-Belagavi, as a full and final settlement of permanent alimony from the Appellant/husband. Further the Appellant and Respondent have already received their belongings from each other i.e. gold ornaments, their utensils, etc.

10. The Respondent/wife has agreed to withdraw immediately after the divorce, the Criminal Case No-740/2020 pending before the JMFC-II Court, Belagavi for the offence punishable under Section 498A, 323, 504, 506 R/w 34 of the Indian Penal Code."

4. In terms of the above agreement, the appellant-husband has agreed to pay a sum of ₹5,50,000/- as permanent alimony to the respondent-wife and the same is paid by Demand Draft bearing No.604418 drawn on State of India, Belagavi dated 20.09.2025, which is handed over to respondent-wife today before the Court. Further, both the appellant and respondent would state that, as agreed, gold and silver articles are exchanged between them.

5. In furtherance of the memorandum of settlement, the parties today filed petition under Section



13B(1) of the Hindu Marriage Act, 1955 seeking dissolution of their marriage by consent. Along with the petition, the parties have also filed interim application under Section 13B(2) of the Hindu Marriage Act, 1955 praying to waive six months cooling period.

6. The parties are litigating before the Court since the year 2020 for the last 5 years. The parties have mutually agreed to dissolve their marriage and take divorce. The terms of 13B petition would indicate that both the parties have agreed to withdraw the allegations made against each of them. The terms of mutual consent petition for divorce are the terms arrived at between the parties before the mediation. The parties have also stated in the petition that they have no claim against each other.

7. Since the parties are litigating for last more than 5 years, no purpose would be served by adjourning the matter for six months. In the above circumstances, the following:



ORDER

- a) I.A.No.2/2025 filed under Section 13B(2) of Hindu Marriage Act, 1955 is allowed. Cooling period of six months is waived.
- b) Petition filed under Section 13B(1) of Hindu Marriage Act, 1955 is allowed.
- c) The marriage of appellant and respondent registered on 27.01.2020 is dissolved and decree of divorce by mutual consent is granted.

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

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

SH
Ct-cmu
LIST NO.: 2 SL NO.: 1