

Reserved on : 01.12.2025

Pronounced on : 19.12.2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF DECEMBER, 2025

PRESENT

THE HON'BLE MR. JUSTICE JAYANT BANERJI

AND

THE HON'BLE MR. JUSTICE K. V. ARAVIND

MISCELLANEOUS FIRST APPEAL No. 5333 OF 2022 (FC)

BETWEEN:

1. SMT. B. R. MADHUMALA,
W/O D. MANJU,
AGED ABOUT 31 YEARS
R/A MIG 41/MSB, 3RD MAIN,
6TH CROSS, GOPISHETTYKOPPA,
SHIVAMOGGA DISTRICT-577205.

...APPELLANT

(BY SMT. B. R. MADHUMALA, PARTY-IN-PERSON)

AND:

1. SRI. D. MANJU,
S/O N. DORAI,
AGED ABOUT 39 YEARS,
ASST. MANAGER, FINANCE AND
ACCOUNTS IN M/S NEO FOODS
PRIVATE LIMITED, NITON,
E-BLOCK, GROUND FLOOR,
No.11, PALACE ROAD,
VASANTH NAGAR,
BENGALURU-560001.
R/O DOOR No.4/1, 2ND FLOOR,
3RD CROSS, AZAD NAGAR,
CHAMARAJPET,

Digitally signed
by VALLI
MARIMUTHU
Location: HIGH
COURT OF
KARNATAKA

BENGALURU-560018.
PERMANENT R/O SRI N. DORAI,
IV CROSS, ANNA NAGARA,
OLD TOWN, BHADRAVATHI-577303.

...RESPONDENT

(BY SRI HALLUR SHIVAYOGI BASAVARAJ, ADVOCATE)

THIS MFA IS FILED UNDER SECTION 19(1) OF FAMILY COURTS ACT AGAINST THE JUDGMENT AND DECREE DATED 24.02.2022 PASSED IN MC No.241/2017 ON THE FILE OF THE PRL. JUDGE, FAMILY COURT, SHIVAMOGGA, DISMISSING THE PETITION FILED UNDER SECTION 13-1(ia) OF THE HINDU MARRIAGE ACT.

THIS APPEAL HAVING BEEN HEARD AND RESERVED FOR JUDGMENT, COMING ON FOR PRONOUNCEMENT THIS DAY, **K.V. ARAVIND, J.**, DELIVERED THE FOLLOWING:-

CORAM: HON'BLE MR. JUSTICE JAYANT BANERJI
and
HON'BLE MR. JUSTICE K. V. ARAVIND

C.A.V. JUDGMENT

(PER: HON'BLE MR. JUSTICE K. V. ARAVIND)

Heard Smt. B.R. Madhumala, appellant-party-in-person and Sri. Hallur Shivayogi Basavaraj, learned counsel for the respondent.

2. The unsuccessful petitioner in M.C.No.241/2017, assailing the order dated 24.02.2022 passed by the Family Court, Shivamogga¹, has preferred this appeal under Section 19(1) of the Family Courts Act.

¹ Family Court

2.1 The petitioner-appellant herein had preferred a petition under Section 13(1)(ia) of the Hindu Marriage Act, 1955,² seeking dissolution of marriage by way of divorce.

3. The brief facts are that the appellant is the legally wedded wife of the respondent and their marriage was solemnised on 13.02.2014 at Srishaila Mallikarjuna Basaveshwara Sabha Bhavana, Shivamogga, in accordance with the customs prevailing in the Hindu community. As part of the customary practices, the appellant's father and the respondent's parents offered gold ornaments to the appellant at the time of marriage.

3.1 After the marriage, the parties initially resided at Bhadravathi and subsequently shifted to Bengaluru. They are stated to have led a cordial marital life for a few months. Thereafter, it is alleged that the appellant was subjected to ill-treatment by the respondent at the instigation of his parents, brother and married sister, who are said to have been demanding money and jewellery from the appellant's father. It is further alleged that the respondent broke the appellant's

² 1955 Act

mobile phone to prevent her from communicating with her parents and from disclosing the alleged acts of cruelty.

3.2 It is also pleaded that, under the guise of a routine medical check-up, the appellant was taken to a hospital where an abdominal scan was carried out to ascertain whether she had undergone any premarital abortion. The respondent's parents and brother, who were residing at Bhadravathi, are alleged to have visited Bengaluru to further harass and ill-treat the appellant. In addition to gold, they allegedly demanded cash as well. When the ill-treatment became intolerable, the appellant is said to have informed her father and requested that she be taken back.

3.3 It is stated that, on four occasions at Shivamogga and on three occasions at Bengaluru, panchayaths were convened with a view to resolve the marital dispute between the parties. On each such occasion, the respondent and his family members are said to have assured that they would reform their conduct; however, the alleged ill-treatment continued unabated.

3.4 It is further alleged that on 21.04.2014, at the instigation of his parents and sister, the respondent attempted

to strangle the appellant, from which she narrowly escaped. When the appellant was about to lodge a complaint with the police, the respondent and his family members allegedly exerted pressure through neighbours not to report the matter, assuring her that the respondent's sister would be shifted to a paying guest accommodation and that his mother would return to Bhadravathi. However, the respondent is said to have resumed the ill-treatment within a few days.

3.5 It is also stated that, on 27.04.2014, the appellant's father reported the alleged incidents of harassment to the respondent's employer requesting that he be counselled to mend his behaviour. Further, on 29.04.2014, the respondent's mother is alleged to have manhandled the appellant and inflicted scratch injuries on her hands. At the request of the respondent's father, this incident too was not reported to the police.

3.6 It is further pleaded that, on 11.06.2014, the respondent sent the appellant to Shivamogga in the early hours and insisted that his demands be fulfilled before 12.06.2014. He allegedly informed that, if the demands were met, he would take the appellant back on 14.06.2014. As the demands were

not fulfilled, the respondent refused to take her back and is said to have informed the appellant's father that he would not resume cohabitation with the appellant and was willing only to pay maintenance.

3.7 The appellant has been residing with her parents since 14.06.2014. Although she has completed her B.Com. and M.Com. degrees, it is stated that she has been unable to secure employment due to the matrimonial dispute and the pendency of related criminal proceedings. On 27.06.2014, the appellant's father addressed a letter to the respondent requesting that he take the appellant back and resume the marital relationship; however, the respondent is said to have flatly refused.

3.8 Left with no alternative, the appellant approached the Mahila Police Station, Shivamogga, and lodged a complaint on 24.08.2014. She was referred to the Samaras Family Counselling Centre, Shivamogga, wherein conciliation proceedings were initiated on 27.08.2014. The appellant did not participate in the said counselling, alleging bias in favour of the respondent and inaction on the part of the police authorities. Thereafter, she lodged a complaint for the offences punishable under Sections 498A and 506 read with Section 34

of the IPC, which came to be registered in Crime No.89/2014 dated 30.08.2014.

3.9 Meanwhile, on 28.08.2014, the respondent issued a legal notice indicating his intention to file a petition for restitution of conjugal rights. According to the appellant, this notice was issued only to counter the criminal proceedings initiated against him and his family members. The appellant replied to the said notice on 11.09.2014 expressing her willingness to return to the matrimonial home provided a congenial and secure environment was ensured. However, there was no further response from the respondent, nor was any petition seeking restitution of conjugal rights filed by him.

3.10 Subsequently, the complaint lodged at the Mahila Police Station, Shivamogga, was transferred to the Chamarajpet Police Station, Bengaluru, where it came to be registered as Crime No.327/2014, culminating in the filing of a charge sheet in C.C. No.17000/2015.

3.11 The appellant instituted C.Misc.No.64/2015 seeking interim maintenance of Rs.20,000 per month. It is stated that the respondent misrepresented his income before the Court and thereby secured an order directing payment of only Rs.6,000/-

per month as maintenance. The appellant preferred RPFC No.72/2017 challenging the said award of maintenance; however, the appeal came to be dismissed by this Court on 05.09.2017.

4. Upon service of summons, the respondent entered appearance and filed detailed objections. The marriage, its date, and the marital relationship are admitted. It is stated that the expenses of the marriage were equally borne by both families.

4.1 The respondent has alleged that the appellant failed to perform her duties as a dutiful wife and that she was quarrelsome, suspicious by nature, and exhibited a recalcitrant attitude. It is further averred that the appellant conducted herself in accordance with the dictates of her father, who, according to the respondent, had separated from his first wife for similar reasons. The respondent has also contended that the appellant ill-treated and psychologically harassed him with a view to alienate him from his parents and family.

4.2 It is further pleaded that, at the insistence of the appellant, the respondent accompanied her to a doctor and that the abdominal scan was conducted on the doctor's advice. It is

stated that the respondent's parents are aged and have no independent source of income to meet their livelihood and medical expenses. The appellant is alleged to have unreasonably insisted that the respondent should not support his parents and is said to have ill-treated them. According to the respondent, as the demands made by the appellant and her father were not fulfilled, the appellant deserted him harbouring unrealistic expectations.

4.3 The respondent has denied the allegations of attempted strangulation and of breaking the appellant's mobile phone. It is further stated that the respondent's sister voluntarily left the house and shifted to a paying guest accommodation to ensure the appellant's comfort. However, even thereafter, the appellant's conduct is alleged to have remained unchanged. The respondent contends that he was unable to meet the unrealistic expectations of the appellant, on account of which he was subjected to mental harassment.

4.4 It is also stated that, on 11.06.2014, the appellant left the matrimonial home of her own accord without informing the respondent, taking along all her belongings including ornaments, jewels, certificates, documents, and other articles.

The respondent has further asserted that the appellant is technically qualified, has undergone several certified technical courses, and is capable of maintaining herself with ample employment opportunities available to her.

4.5 It is further stated that the communications addressed by the appellant and her father to the respondent were not with the intention of resuming the marital relationship, but were allegedly made with the ulterior motive of creating evidence and causing psychological harassment to the respondent. It is averred that, during the conciliation proceedings held on 27.08.2014 before the Samarasa Koutumbika Salahaa Kendra at Shivamogga, the respondent expressed his willingness to take the appellant back to the matrimonial home, but she is said to have refused at the instance of her father.

4.6 It is further contended that, on the very next day, i.e., 28.08.2014, the respondent issued a legal notice calling upon the appellant to join him and perform her duties as a wife, but she failed to comply. The respondent alleges that the criminal proceedings initiated for the offences punishable under Sections 498A and 506 read with Section 34 of the IPC were

instituted solely with the intention of harassing him and his family members.

4.7 It is also stated that the respondent was employed in a reputed company, but due to the alleged frivolous letters addressed to his employer by the appellant and her father, he faced humiliation and harassment, ultimately resulting in the loss of his employment. The respondent has further alleged that the appellant's father is in the habit of misusing organisations to harass family members, and that, for the same reason, his own first wife had separated from him.

5. The Family Court framed the following points for consideration:

"1. Whether petitioner proves that respondent treated her with cruelty?

2. Whether petitioner proves that respondent has given false evidence as stated in IA No.6?

3. Whether petitioner proves that articles shown at Sl.No.1 to 11 in IA.No.7 given to the respondent?

4. What order?"

5.1 The points are answered as under:

"Point No.1: In the negative

Point No.2: In the negative

Point No.3: In the negative

Point No.4: As per final order for the following:"

6. The Family Court, upon consideration of the evidence on record, held that the appellant had failed to establish the allegation that an ultrasound scan of her abdomen and pelvis was conducted to ascertain any premarital abortion. The Family Court further held that the allegation regarding the breaking of her mobile phone was also not proved. It ultimately recorded a finding that the appellant had failed to prove that the respondent subjected her to cruelty, and accordingly dismissed the petition.

7. The appellant-party-in-person, contended that the Family Court failed to consider Exhibits P2, P3, and P4, which according to her, establish that an ultrasound scan of her abdomen and pelvis was conducted to verify an alleged premarital abortion. She further submits that Exhibits R30, R31, and R32 comprising the affidavit evidence and cross-examination in C.Misc.No.64/2015 contain admissions proving the respondent's alleged attempt to murder the appellant, the demand for dowry, and the breaking of her mobile phone. It is urged that, despite these incidents being proved through the

aforesaid exhibits, the Family Court has failed to consider the same while passing the impugned order.

7.1 The appellant submits that the respondent is unwilling to resume cohabitation and is contesting the petition for divorce only to evade his obligation to pay maintenance or alimony. She further submits that although an attempt to strangulate her was made, no police complaint was lodged in view of the panchayath convened thereafter, wherein the respondent allegedly agreed to take her back to the matrimonial home.

7.2 The appellant also argues that the Family Court erred in failing to consider the evidence in C.Misc.No.64/2015, produced as Exhibits R30, R31, and R32, wherein the allegations relating to the abdominal scan, breaking of the mobile phone, and the alleged attempt to murder are, according to her, proved. She submits that, in the absence of any contra evidence, the statements of the witnesses on record ought to have been accepted as true. In support of her submissions, the appellant placed reliance on the judgment of the Coordinate Bench of this Court in **MFA No.103166/2022 dated 30.06.2023** in **Smt. Pradnya v. Sri Abhijith**.

7.3 It is further submitted that the petition filed by the respondent under Section 482 of the Cr.P.C., challenging the initiation of criminal proceedings, came to be dismissed. According to the appellant, the dismissal of the petition under Section 482 of the Cr.P.C. substantiates the criminal conduct alleged against the respondent.

7.4 The appellant also contends that she was compelled to take an early morning train at 6:15 a.m. to travel to Shivamogga and that the respondent's statement that she left the matrimonial home after he had gone to office is incorrect. The appellant-party-in-person, further submits that although the maintenance payable to her in C.Misc.No.64/2015 was fixed at Rs.6,000/- per month, the Family Court has erroneously rejected her claim for maintenance in the present proceedings by observing that she had already been awarded maintenance of Rs.15,000/- per month in the said criminal miscellaneous case.

7.5 The appellant-party-in-person, further submits that her belongings, which she asserts to be her *stridhana* properties, have not been returned, as evidenced by Exhibits P28, P33, and P34. She has placed reliance on the judgment of

the Hon'ble Supreme Court in ***M.V. Leelavathi v. Dr. C.R. Swamy @ Dr. C.R. Kumara Swamy, SLP (Civil) Nos. 2249-2250 of 2023***, decided on **18.08.2025**, to contend that multiple factors are required to be taken into consideration while determining the quantum of alimony.

8. Sri Hallur Shivayogi Basavaraj, learned counsel appearing for the respondent, submits that the appellant has made false and unsubstantiated allegations against the respondent, his father, and other family members, including the respondent's sister. It is contended that, owing to the ill-treatment allegedly meted out by the appellant, the respondent was compelled to arrange separate accommodation for his parents, and his sister was forced to shift to a paying-guest facility. Learned counsel further submits that, as a consequence of the false accusations and the letters addressed to the respondent's employer by the appellant and her father, the respondent ultimately lost his employment.

8.1 Learned counsel further submits that the appellant had visited a doctor for a general check-up, and the respondent had accompanied her, with the abdominal scan being conducted as advised by the doctor. The allegation regarding a

premarital abortion is asserted to be a false accusation. Learned counsel contends that the complaints lodged by the appellant and her father before various authorities, including the respondent's employer, the Mahila Police Station, and other NGOs, have themselves caused psychological and mental harassment to the respondent.

8.2 It is submitted that the Family Court was justified in recording a finding that no cruelty was inflicted by the respondent upon the appellant. Regarding the claim for maintenance, learned counsel submits that the respondent has no independent source of income, and his aged parents are dependent on him. In contrast, the appellant is technically qualified, has undergone several certified technical courses, and has ample employment opportunities to maintain herself independently. It is therefore submitted that the appellant is not entitled to any maintenance. In view of the foregoing submissions, learned counsel prays that the appeal may be dismissed.

9. We have carefully considered the submissions of the appellant-party-in-person, and the learned counsel for the respondent, and have perused the evidence on record.

10. It is an undisputed fact that the marriage between the appellant and the respondent was solemnized on 13.02.2014 in accordance with Hindu customary practices. After the marriage, the appellant initially resided at Bhadravathi for a few days and subsequently shifted to Bengaluru. The appellant had filed the petition under Section 13(1)(ia) of the Hindu Marriage Act, seeking a decree of divorce on the ground of cruelty, alleging that;

- (i) The appellant has alleged that she was subjected to an abdominal scan with the purpose of ascertaining whether she had undergone a premarital abortion.
- (ii) It is alleged by the appellant that the respondent and his father deliberately broke her mobile phone to prevent her from communicating with her father regarding the ill-treatment she was subjected to.
- (iii) It is alleged that the respondent attempted to strangle the appellant by pressing her neck.
- (iv) It is alleged that the respondent compelled the appellant to travel alone from Bengaluru to Shivamogga by taking an early morning train at approximately 6:15 a.m.

- (v) It is stated that at the time of marriage, the appellant brought with her jewels and other valuable articles constituting her *stridhana*, which have not been returned to her.
- (vi) It is alleged that the respondent and her father demanded jewellery and cash from the appellant's family in the form of dowry.

11. The appellant has alleged that she was subjected to an abdominal scan to ascertain a premarital abortion. In support of her case, Exhibits P2 to P4 were marked. Exhibit P2 is a letter from the consultant radiologist at Vivek Diagnostic Centre confirming the appellant's visit and that she underwent an 'ultrasound scan of the abdomen and pelvis' as per the doctor's advice. Exhibit P3 is the prescription by Dr. Jyothi Manohar recommending an ultrasound scan of the abdomen and pelvis, and Exhibit P4 is the report of the ultrasound scan.

11.1 However, the appellant did not examine any of the doctors to establish the purpose of the consultation or the ultrasound scan. Exhibits P2 to P4 do not indicate that the scan was conducted to detect a premarital abortion. The Family Court, after examining these documents, recorded that they do

not indicate any such abortion, and further noted that none of the doctors were examined to establish the purpose of the medical consultation and scan.

11.2 The Family Court, on the other hand, recorded the admission of the appellant that the respondent had accompanied her to Dr. Jyothi Manohar for a general medical check-up. This admission contradicts the appellant's claim that she was forcibly taken to the doctor for the purpose of identifying a premarital abortion. There is no evidence on record to justify taking a different view on this issue.

12. The appellant has alleged that her mobile phone was forcibly broken by the respondent and his father. In support of this allegation, reliance has been placed on Exhibits R30 to R32. These exhibits relate to the evidence recorded in C.Misc.No.64/2015 filed under Section 125 of the Cr.P.C. seeking maintenance. However, the witnesses in those proceedings were not examined in the present proceedings under Section 13 of the 1955 Act. Mere marking of evidence recorded in separate proceedings cannot assist the appellant.

12.1 Further, the evidence contained in Exhibits R30 to R32 cannot be considered for another reason. The appellant

had filed SLP (Crl.) Diary No. 13485/2018 challenging the order dated 05.09.2017 in RPFC No.72/2017 passed by this Court. The Hon'ble Supreme Court, while dismissing the SLP, observed as follows:-

"The SLP is dismissed. However, we make it clear that the observations of the High Court qua criminal proceedings which are instituted by the petitioner were only in the context of the maintenance case and shall not come in the way of petitioner when criminal case as well as divorce proceedings are dealt with by the Trial Court."

12.2 In view of the foregoing observations, the evidence recorded in C.Misc.No.64/2015, as reflected in Exhibits R30 to R32, is of no assistance to the appellant. Even if this evidence were to be considered, it would not establish the case advanced by the appellant.

13. Another allegation raised by the appellant is that the respondent attempted to kill her by strangulating her. To substantiate this claim, the appellant again relies on Exhibits R30 to R32. In light of our findings in the preceding paragraph, the evidence contained in these exhibits cannot be considered in the present proceedings. Moreover, there is no independent evidence to support or prove the alleged attempt. The appellant has neither produced any medical evidence nor reported the incident to the police. While it is contended that the incident

was not reported due to the intervention of the panchayathdars, the respondent agreeing to send his sister to a paying guest accommodation, and his mother back to Bhadravathi, this contention, though attractive, does not substantiate the alleged incident. Furthermore, the panchayathdars are not examined to establish the incident.

14. The Family Court, in its findings, observed that the evidence in Exhibits R30 to R32 comprises testimonies of interested parties. It further noted that these witnesses were not examined in the course of the present proceedings under Section 13 of the 1955 Act.

15. The appellant has further alleged that the respondent compelled her to travel alone to Shivamogga to settle the demands of the respondent's mother. The respondent, however, has contended that the appellant left the matrimonial home on 11.06.2014 of her own accord, taking along her ornaments, cash, certificates, and other belongings. Notably, in her cross-examination, the appellant admitted that on 11.06.2014, she travelled to Shivamogga to attend the engagement of her uncle's daughter. Although the appellant cross-examined the respondent, no material information was

elicited from his testimony. Further, Exhibit P21, the railway ticket, does not substantiate the case advanced by the appellant.

16. The appellant has contended that several panchayaths were conducted, during which the respondent allegedly admitted his willingness to mend his attitude. However, no evidence has been produced in support of this contention, and the panchayathdhars were not examined. On the other hand, the appellant, in her cross-examination, admitted that she insisted during the panchayaths that the respondent's sister be sent out of the house and made to reside in a paying guest accommodation. The Trial Court, therefore, rightly recorded that the appellant has failed to prove this allegation.

17. The appellant has contended that the respondent and his family members harassed her to extract money and gold ornaments. In support of this allegation, she filed a complaint which was registered and numbered as Crime No.327/2014 for offences punishable under Sections 498A and 506 read with Section 34 of the IPC. It is further contended by the appellant that the respondent filed a petition under Section

482 of the Cr.P.C. before this Court, which was dismissed, and that this dismissal establishes the allegation of dowry demand.

18. However, the respondent filed Criminal Petition No.5458/2023 under Section 482 of the Cr.P.C. seeking to quash proceedings in S.C.No.546/2023. This Court rejected the petition on the ground that no case was made out to quash the proceedings. It is settled that the dismissal of a petition under Section 482 of the Cr.P.C. does not, by itself, establish the commission of the alleged offences. The trial in the matter is still pending. In the absence of a conclusion of the trial, it would be premature to hold that the respondent demanded dowry. The Family Court, having considered the pendency of the criminal trial and the various complaints registered by the appellant against the respondent, rightly observed that the appellant has not made out a case in this regard.

19. The Family Court, upon scrutiny of the overall and documentary evidence, held that the appellant failed to prove that the respondent subjected her to cruelty. It was further observed that there was no cogent or convincing evidence adduced by the appellant to substantiate the allegations of cruelty. The Family Court also recorded that the appellant and

her father had, in fact, caused harassment to the respondent and his family members by writing letters to the respondent's employer and filing frivolous applications before various authorities under the RTI Act.

20. A careful examination of the evidence on record indicates that none of the allegations made against the respondent are established. The allegations remain unsubstantiated and unsupported by any material evidence. On the contrary, as held by the Family Court, the evidence suggests that the appellant caused mental harassment to the respondent by compelling him to face unsubstantiated and baseless allegations.

21. Having considered the totality of the evidence, the Family Court rightly held that the appellant failed to prove the alleged cruelty. We find no evidence of sufficient force to justify interference with the order of the Family Court. The impugned order is well-reasoned and is founded upon the evidence that has been duly proved on record.

22. Insofar as the contention of the appellant regarding her claim for maintenance is concerned, it is noted that she has submitted that in C.Misc.No.64/2015 she was allegedly

awarded maintenance of Rs.15,000/- per month. However, the record indicates that the actual maintenance ordered in C.Misc.No.64/2015 was only Rs.6,000/- per month.

23. The appellant-party-in-person, submits that the finding of the Family Court is without application of mind. She contends that in C.Misc.No.64/2015, Exhibit P58, maintenance of Rs.6,000/- per month was awarded. It is further submitted that the Family Court has merely noted the facts and has not passed any specific order regarding maintenance in the present proceedings.

24. It is well-settled that the quantification of maintenance depends upon the respective circumstances of the appellant and the respondent. The appellant has also alleged that her belongings, including gold, certificates, cash, clothes, and other articles, have not been returned; however, this claim is disputed by the respondent, and the appellant has not produced any evidence in support of it. In the absence of such evidence, no directions can be issued by this Court. Furthermore, neither party has filed details of their assets and liabilities for consideration of maintenance.

25. It is, however, open to the appellant to seek a modification of maintenance in accordance with law, should there be any change in circumstances.

26. In the light of the above observations, we find no merit in the appeal. Accordingly, appeal stands ***dismissed***.

**Sd/-
(JAYANT BANERJI)
JUDGE**

**Sd/-
(K. V. ARAVIND)
JUDGE**

DDU