



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 10TH DAY OF FEBRUARY, 2026

PRESENT

THE HON'BLE MR. JUSTICE M.I.ARUN

AND

THE HON'BLE MR. JUSTICE B. MURALIDHARA PAI

MISCELLANEOUS FIRST APPEAL NO.101089/2024 (MC)

BETWEEN:

SMT. RAJESHWARI W/O. PAVAN @ NAVEEN PATIL,
AGE: 27 YEARS, OCC. PRIVATE JOB,
R/O: LOLASUR, TQ: GOKAK,
NOW AT WARD NO.4,
C/O. MALLAPPA KOLKAR MAIN BAZAR,
TQ: HUNAGUND, DIST: BAGALKOT.

... APPELLANT

(BY SRI. ANAND R. KOLLI, ADV. FOR
SRI. D.V. PATTAR, ADVOCATE)

AND:

PAVAN @ NAVEEN S/O. BASAPPA PATIL,
AGED: 36 YEARS, OCC: PRIVATE JOB,
R/O: LOLASUR - 591 306,
TQ: GOKAK, DIST: BELAGAVI.

... RESPONDENT

(NOTICE ISSUED TO RESPONDENT IS SERVED,
BUT UNREPRESENTED)

THIS MFA IS FILED UNDER SECTION 28(1) OF THE HINDU MARRIAGE ACT, PRAYING TO SET ASIDE THE IMPUGNED JUDGMENT AND DECREE PASSED BY THE HON'BLE SENIOR CIVIL JUDGE AND JMFC HUNAGUND IN MATRIMONIAL CASE NO.05/2022 DATED 29.09.2023 IN THE INTEREST OF JUSTICE AND EQUITY.

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



CORAM: THE HON'BLE MR. JUSTICE M.I.ARUN
AND
THE HON'BLE MR. JUSTICE B. MURALIDHARA PAI

ORAL JUDGMENT

(PER: THE HON'BLE MR. JUSTICE M.I.ARUN)

1. Aggrieved by the order passed in M.C. No.5 of 2022, the petitioner therein has preferred the present appeal.

2. The appellant was the wife and the respondent was her husband. On the grounds of impotency and cruelty, the appellant preferred M.C. No.5 of 2022. The respondent remained *ex-parte* before the Family Court.

3. The appellant in her pleadings in M.C. No.5 of 2022 has sought the following prayers:

"Wherefore, the Hon'ble court, under the circumstances, be pleased to pass decree of divorce of marriage solemnized between petitioner and respondent on 16.02.2020 in Samudaya Bhavan, near Mayura school Gokak in Belagavi district.

The Hon'ble court may kindly be pleased to permanent alimony of Rs. 30,00,000/- from respondent to petitioner for her livelihood.

Such other reliefs in the circumstances may granted in the interest of justice."

4. However, it is noticed that in the pleadings there is no mention as to the financial status of her husband or the



appellant herself, which is necessary for the Court to assess the quantum of alimony payable to her.

5. In support of her claim, the appellant examined herself as PW-1 and marked only the marriage invitation card, legal notice and postal receipt as Exs.P-1, P-2 and P-3 respectively.

6. In the affidavit evidence filed by the appellant, she has spoken only about the impotency of her husband and the cruelty to which she was subjected, which has gone unchallenged. However, she has not stated anything about the financial capability of her husband or herself, and she has not let-in any evidence to grant alimony.

7. Under the circumstances, the Family Court in its judgment, has framed the following points for its considerations and has answered them as follows:

"1. Whether the petitioner has made out sufficient grounds to grant divorce under Sec.12(1)(a) and Sec.13(1)(ia) of Hindu Marriage Act?

2. What order?

6. The findings on the above points are as follows:

Point No.1: Partly In the affirmative and partly in the negative



Point No.2: As per final order”

8. The Family Court has passed the following order:

“The petition filed by the petitioner under Section 13(1) (i-a) of the Hindu Marriage Act is hereby allowed and in respect of Sec.12(1)(a) is hereby dismissed.

The marriage of the petitioner with the respondent solemnized on 16/02/2020 at Samudaya Bhavana, Near Mayura School, Gokak is hereby dissolved by grant of divorce on account of cruelty.

Draw the decree accordingly.”

9. The present appeal is filed by the appellant on the ground that alimony has not been granted to her. She has no grievance regarding the decree of divorce being granted by the Family Court.

10. As can be seen from the petition as well as the evidence adduced by the appellant before the Family Court, no grounds are made out for granting any alimony. In the course of the arguments, learned counsel for the appellant fairly submits that she had failed to make out any grounds for grant of any alimony before the Family Court and prays that this Court, in exercise of its discretionary powers, may grant some alimony.

11. The respondent has remained absent before this Court also.



12. It is further noticed that even in the memorandum of appeal filed by the appellant, there are pleadings only in respect of the impotence of her husband. Even with regard to cruelty, there is no specific averment as to an instance of cruelty; only a general and omnibus allegation has been made. There is no whisper regarding the financial status of either her husband or herself. The appellant has failed to make out any ground, on which alimony can be granted to her.

13. For the aforementioned reasons, we do not find any error in the order passed by the Family Court and accordingly, the appeal stands ***dismissed***.

Sd/-
(M.I.ARUN)
JUDGE

Sd/-
(B. MURALIDHARA PAI)
JUDGE

VNP: Para 1 to 11
SSP: Para 12 to end
CT: ASC
List No.: 2 Sl No.: 17