



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF JANUARY, 2026

PRESENT

THE HON'BLE MR. JUSTICE JAYANT BANERJI

AND

THE HON'BLE MR. JUSTICE T.M.NADAF

MISCELLANEOUS FIRST APPEAL NO. 631 OF 2023 (FC)

BETWEEN:

SRI. ASHWATH NARAYANA C.,
S/O LATE CHIKKANNA M.,
AGED ABOUT 64 YEARS,
R/O 90, 4TH CROSS,
ACHYUTHA RAO LAYOUT,
SHIVAMOGGA - 577 201.

...APPELLANT

(BY SRI. K V SATEESH CHANDRA., ADVOCATE)

AND:

SMT. K MANJULA,
W/O ASHWATH NARAYANA,
AGED ABOUT 57 YEARS,
R/O. BACKSIDE TO
DR. AMBEDKAR POST-METRIC
BOYS HOSTEL,
SURYA LAYOUT,
BOMMANAKATTE,
SHIVAMOGGA - 577 204.

...RESPONDENT

(BY SMT. K.T. MALINI, ADVOCATE)



THIS MFA IS FILED UNDER SECTION 19(1) OF FAMILY COURTS ACT, 1984, AGAINST THE JUDGMENT AND DECREE DT.20.09.2022 PASSED IN MC NO.277/2021 ON THE FILE OF THE PRINCIPAL JUDGE, FAMILY COURT, SHIVAMOGGA, DISMISSING THE PETITION FILED U/S.13-1(i-a) AND (i-b) OF THE HINDU MARRIAGE ACT.

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

CORAM: HON'BLE MR. JUSTICE JAYANT BANERJI
and
HON'BLE MR. JUSTICE T.M.NADAF

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE JAYANT BANERJI)

A memorandum of compromise petition has been filed, in which it is stated that:

1. The appellant and respondent have already exchanged their valuable articles such as gold, silver and other belongings.

1.1 A property which is residential and commercial in Katha No.47, Assessment No:47-47-1440/5, consisting of RCC building, situated at Lurdu Nagar,



Shivamogga, has been agreed to be transferred by the appellant in favour of the respondent towards full and final settlement of permanent alimony.

1.2 The respondent has accepted the said property in final settlement for all her past, present and future claims including claims for permanent alimony, maintenance or property rights of the appellant's remaining property or whatsoever against the appellant.

1.3 They have mutually agreed that neither party shall hereafter make any claim, demand, or initiate any civil or criminal proceedings against each other arising out of the matrimonial relationship, and all such claims, if any, shall be deemed to have been finally settled.

1.4 The appellant and respondent would not have any claim whatsoever manner against each other over the movable and immovable properties either existing or to be acquired by them in future.



2. The aforesaid compromise has been signed by the parties and countersigned by their respective advocates.

3. They have produced their Aadhar card for verification by the Court. Photocopies of the Aadhar cards bearing the signature of the respective parties and the advocate is taken on record.

4. The appeal is filed by the appellant-husband, seeking to set aside the judgment and decree passed by the Principal Judge Family Court, Shivamogga in M.C.No.277/2021 dated 20.09.2022. By means of the aforesaid impugned order, the petition filed by the appellant-husband under Sections 13(1)(i-a) and 13(i-b) of the Hindu Marriage Act, was dismissed.

5. In view of the aforesaid settlement, all disputes are sought to be brought to a close.



6. Today, an application has been filed under Section 13-B of the Hindu Marriage Act, jointly by the parties seeking grant of decree of divorce on the ground of mutual consent. A joint memo has been filed by the parties also today iterating the terms of the compromise aforesaid. The application under Section 13-B is supported by an affidavit signed by both parties.

7. We find that it is a fit case for allowing the application under Section 13B of the Hindu Marriage Act. The application is accordingly allowed. The Marriage entered into between the parties on 05.05.1988 in Smt. Puttamma Venkataramaiah Choultry at Bangaluru is hereby dissolved and a decree of divorce is directed to issue. The terms mentioned in the memorandum of compromise shall form part of the decree.

8. The transfer of property envisaged in the memorandum of compromise shall be duly effected by executing a gift deed in favour of the respondent, within a



period of one month from today. All expenses regarding stamp duty, registration, etc. shall be paid by the appellant.

9. The appeal is accordingly ***disposed of***.

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

**Sd/-
(T.M.NADAF)
JUDGE**

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