



NC: 2026:KHC:49224-DB
MFA No. 1032 of 2022

CNR: KAHC010063842022

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 9TH DAY OF SEPTEMBER, 2026**

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

MISCELLANEOUS FIRST APPEAL NO.1032/2022 (FC)

BETWEEN:

SMT. KAVYA V,
W/O SATHISH S,
D/O VIJAYAKUMAR M P,
AGED ABOUT 23 YEARS,
R/AT NO.502/7, 20TH CROSS,
11TH MAIN MTB AREA, 5TH BLOCK,
JAYANAGAR, BENGALURU 560 041.

...APPELLANT

(BY SRI. RUPESH KUMAR .S.,ADVOCATE)

AND:

SRI. SATHISH S,
S/O SHANKAR M,
AGED ABOUT 32 YEARS,
R/AT NO.1896, 18TH C MAIN,
4TH T BLOCK, JAYANAGAR,
BENGALURU 560 041.

...RESPONDENT

Digitally signed
by MALA K N
Location: HIGH
COURT OF
KARNATAKA

THIS MFA FILED U/S 19(1) OF FAMILY COURTS ACT,
AGAINST THE JUDGMENT AND DECREE DATED 22.10.2021
PASSED IN MC NO.6853/2019 ON THE FILE OF THE I
ADDITIONAL PRL. JUDGE, FAMILY COURT, BENGALURU,
DISMISSING THE PETITION FILED UNDER SECTION 13(2)(i) OF
THE HINDU MARRIAGE ACT.



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

CORAM: HON'BLE MR. JUSTICE D K SINGH
AND
HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE D K SINGH)

The present appeal under Section 19(1) of the Family Court Act, 1984 has been filed by the appellant/wife against the judgment and decree dated 22.10.2021 passed by the I Additional Principal Judge, Family Court, Bengaluru in M.C. No.6853/2019 filed by the appellant/wife seeking decree of divorce under Section 13(2)(i) of the Hindu Marriage Act, 1955 to dissolve her marriage which was performed on 03.12.2018.

2. The sole ground on which the marriage was sought to be annulled was the alleged fraudulent marriage. According to the appellant/wife, the respondent/husband had earlier married to one Smt. Ashwini Y., and the marriage with the Smt. Ashwini Y., was performed on 20.03.2014 at Sidila Basappa



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Kalyanamantapa, Attibele. That marriage survived till 04.10.2017 and thereafter they were separated by memorandum of Panchayat. There was no separation by decree of divorce. When the appellant came to know about this fact, in utter shock and disbelief she left the matrimonial home on 14.12.2019 and started living with her parents. The respondent/husband has never come to take the appellant back to the matrimonial home.

3. Despite service of notice, the respondent did not appear before the Family Court. On the basis of the pleadings and the evidence adduced, the Family Court has considered two points for decision.

1) Whether the petitioner proves that the respondent has already married to Smt. Ashwini Y., prior to her marriage with him as such, she is entitled for the divorce as contemplated under Section 13(2) (i) of the Hindu Marriage Act 1955?

2) What order?

4. The Family Court having considered the documentary evidence and the oral testimony of the



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appellant, has recorded the finding that the appellant/wife got married to the respondent in presence of her parents, relatives and friends. However, in the meantime, the father of the appellant had filed a missing report/complaint and thereafter an FIR came to be registered. The complaint filed by the father discloses that the appellant did not return to the house after her college. Police made enquiry and on enquiry it was revealed that the appellant got married with the respondent. It was a love marriage between the appellant and respondent. Insofar as the allegation of respondent having married to one Smt. Ashwini Y is concerned, the appellant did not produced any document to prove respondent's first marriage.

5. While the appellant has failed to prove the ingredients of Section 13(2)(i) of the Hindu Marriage Act, 1955, the Family Court has dismissed the petition filed by the appellant. We find no error on consideration of the impugned judgment and decree as well as the evidence



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adduced by the appellant/petitioner before the Family Court.

We find no error in the impugned judgment and decree which would warrant us to interfere with. Therefore, we dismiss this appeal

**Sd/-
(D K SINGH)
JUDGE**

**Sd/-
(H.SHANTHI BHUSHAN)
JUDGE**

BVK
List No.: 1 Sl No.: 15