

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF AUGUST, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

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

MISCELLANEOUS FIRST APPEAL NO. 1037 OF 2022 (FC)

BETWEEN:

SMT S N AKSHATHA
W/O J SHASHANK,
D/O SRINIVASA NARAYANA
AGED ABOUT 32 YEARS,
R/AT NO.12/8,
C K STREET,ARAMANE NAGAR,
PALACE GUTTAHALLI,
BENGALURU-560003

...APPELLANT

(BY MS.NIDHI SHETTY, ADVOCATE FOR
SRI. RAMESH.K.S, ADVOCATE)

AND:

SRI J SHASHANK
S/O K T JAYARAMEGOWDA,
AGED ABOUT 34 YEARS,
R/AT NO.219,
IST MAIN ROAD,
2ND CROSS ROAD,
CHOWDESHWARI NAGAR,
NEAR APOLLO PUBLIC SCHOOL,
BENGALURU-560058

...RESPONDENT

(BY SRI.KAPIL DIXIT, ADVOCATE)

THIS MFA IS FILED U/S 19(1) OF THE FAMILY COURTS
ACT AGAINST THE JUDGMENT AND DECREE DATED 04.12.2021
PASSED IN MC NO.4930/2018 ON THE FILE OF THE VI

ADDITIONAL PRL. JUDGE, FAMILY COURT, BENGALURU,
ALLOWING THE PETITION FILED UNDER SECTION 13(1) (i-a)
AND (i-b) OF THE HINDU MARRIAGE ACT, 1955.

THIS APPEAL HAVING BEEN HEARD AND RESERVED FOR
JUDGMENT, COMING ON FOR PRONOUNCEMENT THIS DAY,
JUDGMENT IS DELIVERED/ PRONOUNCED BY **HON'BLE
MR.JUSTICE T.M NADAF**, AS UNDER:

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE T.M.NADAF

CAV JUDGMENT

(PER: HON'BLE MR. JUSTICE T.M NADAF)

This appeal by the wife, filed under Section 19(1) of
the Family Courts Act, 1984 R/w Section 28(1) of Hindu
Marriage Act, 1955¹, assailing the Judgment and Decree
dated 04.12.2021 passed by the VI Addl. Prl. Judge,
Family Court, Bengaluru² in M.C.No.4930/2018.

2. Under the impugned Judgment and Decree, the
Family Court allowed the petition filed by the husband
under Section 13(1)(ia) and (ib) of the H.M Act, thereby
dissolved the marriage solemnized between the parties on

¹ 'the H.M Act', for short

² 'the Family Court', for short

25.11.2013 at Sri Jalagangamma Samudhaya Bhavan, opposite to Vyalikaval Education Society, Vyalikaval, Bengaluru, by a decree of divorce.

3. The petitioner and respondent are husband and wife, both are Hindus and governed by Hindu Law of Mithakshara. Their marriage was solemnized on 25.11.2013 at Sri Jalagangamma Samudhaya Bhavan, opposite to Vyalikaval Education Society, Vyalikaval, Bengaluru, in the presence of elders, relatives of both family. The marriage was love cum arrange marriage and performed as per Hindu rites and rituals.

4. The parties are referred to as per their ranking before the Tribunal.

5. Facts germane to file the present appeal are as under:

AS PER THE PETITIONER/HUSBAND:

5.1 The marriage from day one was not happily started. The wife from day one of the marriage, was not happy to stay along with his parents. He was living

with wife in the house belonging to her father by paying rent to her father and paid Rs.50,000/- under Rental Agreement. While he was living there, he was subjected to all kinds of humiliation and disrespect. The wife never looked after his parents stating that, they never helped her financially and she was always demanding the husband to ask money from his father, to settle the loans and for the purpose of construction of house and purchase of car. She used to abuse him in filthy language before the friends, relatives and family members. She even used to make trivial things into a big quarrel, if she found the mobile number of his parents and sister in the call list of his mobile.

5.2 The petitioner – husband contended that, the bitterness between them slowly took an aggravated shape. Ultimately, marital discord surfaced, this made them to live apart since 15.05.2016 and there is no issue from the wed-lock. In the month of September 2017, the respondent wife sent an e-mail

to the petitioner – husband stating that, she need divorce by mutual consent without permanent alimony. When the husband and his parents went to police station to resolve the dispute legally, the respondent – wife filed false criminal complaint against him regarding dowry and cheating in Cr.No.186/2017 on the file of Vayyalikaval Police. The charge sheet was laid after the investigation by the Police before VIII Addl. Chief Metropolitan Magistrate, Bengaluru. This made the petitioner – husband to file the present petition seeking divorce on the ground of Cruelty and Desertion.

AS PER THE RESPONDENT – WIFE:

5.3 After appearance of the respondent, the matter was referred to Bengaluru Mediation Centre for settlement. Since the matter was not settled, again it was referred back to the Court. Later, the wife filed statement of objections, denying all the contentions taken by the husband in the petition as false, frivolous and fictitious and not maintainable either in

law or on facts. However, she has admitted the marriage and that there is no issue from the wedlock and denied other contentions raised in the petition.

5.4 She specifically contended that, the marriage was never liked by the parents of the petitioner – husband. They were against the marriage, since she belongs to Scheduled Caste. Hence, her parents arranged their marriage, but just before three days to the marriage, husband's parents told them that they would attend the marriage and except his parents, none of the other family members or relatives attended the marriage. Though the parents of the husband attended the marriage, it was just as guest appearance, as they did not involve in any of the rituals and even did not spent a single rupee.

5.5 Regarding the contention of the husband that he paid Rs.50,000/- under the rental agreement, she contended that agreement was only to secure Gas connection from Indane Gas Agency and he never paid rent to her father as contended by him. She

further contended that at the time of marriage, the petitioner was working in IBM and drawing monthly salary of Rs.20,000/- after all deductions, hence there is no question of paying monthly rent to her father as contended by him. She also contended that it is the parents of the husband, who insisted the respondent in the month of January 2014, forcing her to transfer the site in K.R.Puram and the house in which they were living in the name of petitioner - husband and his parents, so they could live happily. Even the petitioner husband had gone to an extent of writing suicide note thrice, threatening her to transfer the properties in his name and in the name of his parents.

- 5.6 She further contended that, because of the caste barrier, the father of the petitioner husband abstained from her family members. His parents never used to eat any food prepared by her, because of her caste. They never accepted her as daughter in law because of the caste barrier. She also contended

that she purchased STAR Life Health Insurance of Rs.15,000/- in the name of husband's parents. She has completed her MCA by spending her own hard earned money, the petitioner husband never taken care of any expenses, but he was using her Cards and spent thousands of rupees unnecessarily.

- 5.7 She has specifically contended that after surgery of the petitioner at SPARSH Hospital, she and her parents took care of him and particularly, her father had come from Wellington on leave to take care of him. Post surgery, the petitioner used to demand her parents/father to invest money in his business, as he was not in a position to travel long distance and sit for more hours and do work. Since the marital discord surfaced and took an aggravated shape, in the month of May 2015, the petitioner himself deserted her without any fault of her. Though she called several times, he did not respond to her. Thereafter, while she was in a distressed state of mind, she has sent several messages, which the

husband now relies upon in support of his claim for divorce.

- 5.8 She further contended that she waited almost 2½ years, which has resulted in filing a police complaint and she specifically contended that all the allegation made in the divorce petition against her and her parents are all frivolous and false and sought to dismiss the petition.

CONCLUSION OF THE FAMILY COURT:

- 5.9 The Family Court, upon completion of pleadings, framed following Points for consideration:

- 1) *Whether the petitioner proves that the respondent has treated him with cruelty as alleged by him and as contemplated under Section 13(1)(i-a) of the Hindu Marriage Act, 1955?*
- 2) *Whether the petitioner proves that the respondent has deserted him for a continuous period of not less than two years immediately preceding the presentation of the petition and as contemplated under Section 13(1)(i-b) of the Hindu Marriage Act, 1955?*

- 3) *Whether the petitioner is entitled for the relief as prayed for?*
- 4) *What order or decree?*

5.10 In order to substantiate his case, the petitioner - husband examined himself as PW.1 and produced 20 documents, and marked them as Ex.P1 to P20 and Ex.P21 came to be marked in the cross-examination of RW.1. The respondent – wife examined herself as RW.1, however no documents are produced on her behalf.

5.11 The Family Court, after hearing the arguments and appreciating the evidence on record, answered the points for consideration in favor of the husband and against the wife and allowed the petition, granting decree of divorce on the grounds sought in the petition under Section 13(1)(ia) and (ib) of H.M Act with costs and dissolved the marriage by granting decree of divorce. It is this Judgment and Decree passed by the Family Court is called in question in this appeal by the Wife.

6. Heard, Ms.Nidhi Shetty, learned counsel appearing on behalf of Sri.K.S.Ramesh, learned counsel appearing for the wife and Sri.Kapil Dixit, learned counsel appearing for the husband.

7. After arguing matter for some time, both the parties submitted that the marriage had lost its significance and efficacy and the relationship between them is dead and nothing survives between them and there is no purpose or meaning in continuing the marital relationship and that, they had no issue from the wedlock. In that view of the matter, they submitted that the decree of divorce granted by the Family Court may be confirmed. However, the wife sought permanent alimony of Rs.50,00,000/-, which was opposed by the husband on the ground that the wife is employed in TATA Consultancy and earning Rs.1,00,000/- per month, which is higher than his own monthly income.

8. After much deliberation, the husband came forward to settle the dispute by paying permanent alimony

of Rs.15,00,000/- in three monthly installments. The wife is holding on to the amount of Rs.40,00,000/-.

9. This Court after much deliberation, directed the husband to pay Rs.25,00,000/- as permanent alimony, in five equal installments of Rs.5,00,000/- each, starting from 01st day of September 2026. Any failure on the part of the husband to pay the sum directed, would entail the wife to execute a decree seeking for payment directed in this appeal.

10. Both the parties have stated that, they would withdraw cases filed against one another in view of divorce and permanent alimony paid in furtherance of the same.

11. With the above observation and modification, the appeal is ***disposed of***. The Registry is directed to draw the decree accordingly.

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

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

TKN