



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 16<sup>TH</sup> DAY OF FEBRUARY, 2026**

**PRESENT**

**THE HON'BLE MR. JUSTICE JAYANT BANERJI**

**AND**

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

**MISCELLANEOUS FIRST APPEAL NO.1244 OF 2023 (FC)**

**C/W**

**MISCELLANEOUS FIRST APPEAL NO.1242 OF 2023 (FC)**

**IN M.F.A. No.1244/2023**

**BETWEEN:**

SMT. SHANTHALA B M  
W/O B R AVINASH BABU  
D/O LATE MAHALINGAPPA  
AGED ABOUT 44 YEARS  
R/AT NO.3009/4, MAHAVI  
2<sup>ND</sup> MAIN, 2<sup>ND</sup> STAGE  
17<sup>TH</sup> CROSS, BANASHANKARI  
BENGALURU – 560 070

...APPELLANT

(BY SRI. ADARSH M LIMBIKAI, ADVOCATE)

**AND:**

SRI. B R AVINASH BABU  
S/O LATE B RUDRA GOWDA  
AGED ABOUT 49 YEARS  
R/AT NO.68/8, KRISHNA BLOCK  
1<sup>ST</sup> MAIN ROAD, SESHADRIPURAM  
BENGALURU – 560 020

...RESPONDENT

(BY SRI. M ASWATHANARAYANA REDDY, ADVOCATE)

Digitally  
signed by K G  
RENUKAMBA  
Location:  
HIGH COURT  
OF  
KARNATAKA



**NC: 2026:KHC:9300-DB**  
**MFA No. 1244 of 2023**  
**C/W MFA No. 1242 of 2023**

THIS MFA IS FILED U/S.19(1) OF FAMILY COURT ACT, AGAINST THE JUDGMENT AND DECREE DT.17.12.2021 PASSED IN M.C NO.3212/2015 ON THE FILE OF THE III ADDITIONAL PRINCIPAL JUDGE, FAMILY COURT, BENGALURU, ALLOWING THE PETITION FILED U/S.13(1)(ia) AND (ib) OF HINDU MARRIAGE ACT.

**IN M.F.A. NO.1242/2023**

**BETWEEN:**

SMT. SHANTHALA B M  
W/O B. R. AVINASH BABU,  
D/O. LATE MAHALINGAPPA,  
AGED ABOUT 44 YEARS,  
R/AT NO.3009/4, MAHAVI,  
2<sup>ND</sup> MAIN, 2<sup>ND</sup> STAGE,  
17<sup>TH</sup> CROSS, BANASHANKARI,  
BENGALURU - 560070

...APPELLANT

(BY SRI. ADARSH M LIMBIKAI, ADVOCATE)

**AND:**

SRI. B R AVINASH BABU  
S/O LATE B. RUDRA GOWDA,  
AGED ABOUT 49 YEARS,  
R/AT NO. 68/8, KRISHNA BLOCK,  
1<sup>ST</sup> MAIN ROAD, SESHADRIPURAM,  
BENGALURU - 560020.

...RESPONDENT

(BY SRI. M ASWATHANARAYANA REDDY, ADVOCATE)

THIS MFA IS FILED U/S 19(1) OF FAMILY COURTS ACT, AGAINST THE JUDGMENT AND DECREE DATED 17.12.2021 PASSED IN MC NO.1663/2016 ON THE FILE OF THE III ADDITIONAL PRL. JUDGE, FAMILY CURT, BENGALURU, DISMISSING THE PETITION FILED UNDER SECTION 9 OF THE HINDU MARRIAGE ACT.

THESE APPEALS, 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)

The parties are present in-person who have been identified by their respective advocates. The dispute is between the appellant who is the wife and the respondent who is the husband which arises out of matrimonial discord. The parties have entered into a compromise dated 16.02.2026, which is filed today in Court, in which the terms of the compromise have been narrated.

2. The marriage of the parties had taken place on 29.11.2002 and they have a son, who is now aged about 22 years.

3. A divorce petition was filed by the respondent in M.C No.3212/2015 on the ground of desertion and cruelty against the appellant. Thereafter, the appellant filed a petition for restitution of conjugal rights in M.C No.1663/2016. Both the cases were clubbed together and common evidence was led.



M.C No.3212/2015 for divorce has been decreed by the Family Court but M.C No.1663/2016 filed by the appellant for restitution of conjugal rights is dismissed by means of the common judgment dated 17.12.2021.

4. In the meanwhile, the appellant had also filed a maintenance petition under Section 125 of Cr.P.C., in Crl.Misc No.249/2016 before the Family Court, Bengaluru and had also filed a suit for partition when their son was a minor, on his behalf, in O.S No.7236/2017 on the file of the City Civil Court, Bengaluru.

5. Against the decree/orders passed by the Family Court in the aforesaid M.C NoS.3212/2015, 1663/2016 and Crl.Misc No.249/2016, two MFAs were filed which are listed today namely M.F.A. No.1244/2023 to set aside the decree of divorce and M.F.A. No.1242/2023 to set aside the order rejecting the appellant's petition for restitution of conjugal rights. Further, separately, R.P.F.C No.74/2023, challenging the order of the Family Court rejecting the appellant's maintenance petition, has also been filed.



6. By means of the compromise entered on 16.02.2026, the appellant has conceded to accept the decree granted by the Family Court in M.C. No.3212/2015 and the orders passed in M.C. No.1663/2016 as well as in R.P.F.C No.74/2023. The appellant has categorically stated that in view of the said compromise entered into between the parties, she would no longer be the wedded wife of the respondent and she is withdrawing all the aforesaid three cases.

7. In view of the settlement aforesaid, towards permanent alimony, a gift deed executed on 07.02.2026 by the respondent in favour of the appellant, which gift deed was registered on 11.02.2026, the respondent has transferred in favour of the appellant an apartment bearing No.E-909, situated on the 8<sup>th</sup> floor, Phase I in "O" Block of "PLATINUM CITY" constructed on the Schedule 'A' property mentioned therein with all amenities and conditions.

8. We have perused the annexed gift deed and note that the appellant is satisfied with the aforesaid gift deed towards her claim for permanent alimony. Since the appellant has sought to withdraw the aforementioned appeals, in view of



the compromise petition aforesaid, these appeals stand disposed of. The parties are bound by the terms of the compromise which are now part of the record of this Court.

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

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

KG  
List No.: 1 Sl No.: 4