



CNR: KAHC010130042025

NC: 2026:KHC:38968-DB
MFA No. 1411 of 2025
C/W MFA.CROB No. 45 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF JULY, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

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

MISCELLANEOUS FIRST APPEAL NO. 1411 OF 2025 (FC)

C/W

MFA CROSS OBJECTION NO. 45 OF 2025 (FC)

IN MFA No. 1411/2025

BETWEEN:

PRIYA BANSAL,
W/O SACHIN BNSAL,
AGED AOBUT 42 YEARS,
R/T NO.841, 14TH MAIN,
3RD BLOCK, KORAMANGALA,
BENGALURU - 560 034.
CURRENTLY RESIDING AT:
NO. 841, 15TH MAIN,
3RD BLOCK, KORAMANGALA,
BENGALURU - 560 034.

...APPELLANT

(BY SRI. MUDIT JAIN, AND MAHIMA MALHOTRA,
ADVOCATE FOR SRI. DARSHAN JAIN. M., ADVOCATE)

AND:

1. SACHIN BANSAL,
S/O SAT PRAKASH AGGARWAL,
AGED ABOUT 43 YEARS,
RESIDING AT NO. 841,
14TH MAIN, 3RD BLOCK,
KORAMANGALA,



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BENGALURU - 560 034.
CURRENTLY RESIDING AT
5123, TOWER 5 (ELM),
EMBASSY PRISTINE APARTMENTS,
SUNCITY APARTMENT LANE,
IBBALURU, BELLANDUR,
BANGALORE - 560 102.

2. WASEEM PASHA,
S/O ISAR PASHA,
AGED ABOUT 36 YEARS,
RESIDING AT NO. 113/3,
2ND MAIN, MADIWALA,
BENGALURU - 560 068.

...RESPONDENTS

(BY SRI.K.N. PHANINDRA, SR. ADVOCATE FOR
SRI. SAMRUDH SURAG HEGDE FOR C/R1,
VIDE ORDER DATED 03.07.2025 NOTICE TO R1
IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 19(1) OF FAMILY
COURT ACT, AGAINST THE JUDGMENT AND DECREE
DATED:14.10.2024 PASSED IN M.C.NO.570/2020 ON THE FILE
OF THE IV ADDITIONAL PRINCIPAL JUDGE, FAMILY COURT,
BENGALURU, PARTLY ALLOWING THE PETITION FILED UNDER
SECTION 13(1)(i)(i-a) OF THE HINDU MARRIAGE ACT. 1955.

IN MFA.CROB NO. 45/2025

BETWEEN:

1. SRI. SACHIN BANSAL,
S/O SAT PRAKASH AGGARWAL,
AGED ABOUT 42 YEARS,
R/A 841, 15TH MAIN, 3RD BLOCK,
KORAMANGALA,
BANGALORE - 560 034.
NOW AT:



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G-010 SPRUCE BLOCK,
RAHEJA RESIDENCY,
3RD BLOCK, KORAMANGALA,
BANGALORE - 560 034.

...CROSS-OBJECTOR

(BY SRI. K.N. PHANINDRA, SR. ADVOCATE FOR
SRI. SAMRUDH SURAG HEGDE.,ADVOCATE)

AND:

1. SMT. PRIYA BANSAL,
W/O SACHIN BANSAL,
AGED ABOUT 41 YEARS,
R/A 841, 15TH MAIN, 3RD BLOCK,
KORAMANGALA,
BANGALORE - 560 034.
2. WASEEM PASHA,
S/O ISAR PASHA,
AGED ABOUT 35 YEARS,
R/AT 113/3, 2ND MAIN,
MADIWALA,
BANGALORE - 560 068.

...RESPONDENTS

(BY SRI. MUDIT JAIN, AND MAHIMA MALHOTRA,
ADVOCATE FOR
SRI. DARSHAN JAIN. M., ADVOCATE FOR R1)

THIS MFA CROB IS FILED UNDER ORDER 41 RULE 22 R/W
UNDER SECTION 19(1) OF FAMILY COURT ACT, AGAINST THE
JUDGMENT AND DECREE DATED:14.10.2024 PASSED IN MC
NO.570/2020 ON THE FILE OF THE COURT OF IV ADDITIONAL
PRL JUDGE, FAMILY COURT, BENGALURU, PARTLY ALLOWING
THE PETITION FILED U/S. 13(1)(i)(ia) OF THE HINDU
MARRIAGE ACT, 1955.



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THIS APPEAL AND CROSS-OBJECTION, COMING ON FOR HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

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

ORAL JUDGMENT

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

The MFA being No.1411/2025 and MFA Crob.No.45/2025 are by the wife and the husband respectively, assailing the Judgment and decree dated 14.10.2024, passed by the IV Addl. Pri. Judge, Family Court, Bengaluru¹.

2. Under the impugned Judgment and Decree, the Family Court allowed the petition filed by the husband seeking for decree of dissolution of marriage on the ground of cruelty, however dismissed the petition on the ground of adultery, with other restraint orders.

¹ for short, 'the Family Court'



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3. The wife is in appeal calling the entire Judgment and Decree in question, whereas the cross-objection is by the husband only with reference to rejection of petition on the ground of adultery.

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

5. Facts germane to file the present appeal and cross-objection are as under:

AS PER THE PETITIONER:

5.1 The petitioner filed the petition under Section 13(1)(i) & (ia) of the Hindu Marriage Act, 1955² seeking following reliefs:

- (a) *Dissolving the marriage between the petitioner and 1st respondent solemnized as per Hindu rites on 28.4.2008 at AKM Resorts, Patiala Road, Zirakpur, Punjab. And registered before the Registrar of Marriages, Bommanahalli, Bangalore on 19.07.2010 bearing Marriage Number BMH-HM349-2010-11 in CD Number : BMHM56.*

² 'the Act of 1955', for short



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- (b) *Grant permanent custody of the minor son Aryaman born on 8.11.2009 to the petitioner.*
- (c) *Grant order u/s.26 of the Hindu Marriage Act restraining the 1st respondent, her agent or any person claiming through her from taking or removing the minor child Aryaman Bansal out of Bangalore i.e., from the jurisdiction of this Hon'ble Court.*
- (d) *Grant order u/s.22 of the Hindu Marriage Act restraining the respondents or any person claiming through them or any of their representatives or agents and the press from printing or, publishing in print media, electronic media or on any social media sites in any form on any matter in relation to the dispute and subject matter of this petition in the interest of justice and equity.*
- (e) *Grant such other relief or consequential reliefs as this Court deems fit in the facts and circumstances of the case in the interest of justice and equity.*

5.2 The petitioner and respondent No.1 were husband and wife. Both are Hindus and their marriage was solemnized as per Hindu rites and customs on 28.4.2008 at AKM Resorts, Patiala Road, Zirakpur,



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Punjab and registered before the Registrar of Marriages, Bommanahalli, Bangalore on 19.07.2010 bearing Marriage Number BMH-HM349-2010-11 in CD No.BMHM56. From the wedlock, a baby boy was born on 08.11.2009 named as Aryaman, now aged nearly 17 years. As per the submission of both the parties, now he is in America pursuing his studies.

5.3 The petitioner co-founded Flipkart in October 2007 and was putting all his efforts to take the Company to sky high. At the initial stage, he was concentrating more on his work, to take the business for long run, working long hours after the marriage for development of his entity. This had caused resent between the petitioner and respondent No.1, especially respondent No.1 towards the petitioner.

5.4 The initial resent had started in small pitty quarrels between the petitioner and respondent No.1 and worsened further after the birth of the child.



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Respondent No.1 who went to her parental home at Chandigarh for delivery, was asked by the petitioner to stay at the residence of his parents. There were several quarrels between respondent No.1 and the parents of the petitioner because of the adamant behavior of respondent No.1. Respondent No.1 was not addressing the concerns of the petitioner, lending helping hand towards petitioner's parents and his relatives, though he had given all sorts of comforts in life by purchasing an apartment in Raheja Towers and providing all luxuries. Respondent No.1 wanted to pursue her studies, for which the petitioner had paid all fee & expenses. She completed her BDS and wanted to open a Clinic in the vicinity of the apartment. The petitioner had got opened the clinic for respondent No.1 and provided for renovation and spent Rs.25,00,000/- for the work of the clinic. Despite this, the crevice in the relationship taking its



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larger shape, which made the petitioner to leave the residence and stay outside in the year 2012.

5.5 Thereafter, the parties reunited and again in 2013, the petitioner was forced to leave the residence and lived outside by taking alternative accommodation. However, he tried to console and convince respondent No.1 to save the family life, as well as the development and welfare of the child. Since the initial cracks in the relationship developed into more severe breakage in the relationship, both the parties decided to attend therapy and started to take counseling with the Therapist by name Priya Kaul. Though respondent No.1 was reluctant at the initial stage, started attending therapy with Priya Kaul. Thereafter, she decided to discontinue the therapy. There was no change in the behavior and attitude of respondent No.1 and the situation went on worsening. It is contended that, the brother of respondent No.1, who married in 2012, divorced his



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wife in 2013 due to differences between them. Respondent No.1 became increasingly abusive and in the year 2013, they decided to go for mutual divorce. Though the wife agreed, however retracted from her stand.

5.6 The situation became more worsening between 2014 and 2018. Though the petitioner tried all his best to save the marriage, respondent No.1 had gone to the extent of falsely accusing the petitioner that, he was having affair with his sister-in-law, which humiliated him.

5.7 In the interregnum, he had purchased several movable and immovable properties in the name of respondent No.1 by contributing entire consideration and expenses towards the same. As the relationship deteriorated in the later half of 2019, respondent No.1 became aggressive and was physically violent with the petitioner. By the end of September 2019,



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respondent No.1 started physically assaulting him and also caused injuries on his genitals. This incident upset and rattled the petitioner and asked respondent No.1 to move into another room, as he did not feel safe with respondent No.1.

5.8 In the evening of 20.10.2019 and later the next date, respondent No.1 assaulted the petitioner, which made him to take medical treatment. Unable to bear the violent assaults and fearing safety to his life, the petitioner temporarily moved into a flat at Raheja Residency standing in his name. However, the Respondent No.1 accused the petitioner of assaulting her.

5.9 On 23.10.2019, the petitioner was informed by his staff that, respondent No.1 had left the house with their minor son in the early hours of the morning at 5:00 am, though he tried to contact respondent No.1 to know the whereabouts, but he could not reach her



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by phone. Thereafter, when he called his father-in-law who was in Chandigarh, he was informed that respondent No.1 was in Chandigarh with their minor son. The wife without his consent and without informing, left Bengaluru with minor child and had gone to Chandigarh, preventing the petitioner from having access to his minor son.

5.10 It is contended that, the petitioner gained the knowledge that respondent No.1 had come in contact with respondent No.2, when petitioner and respondent No.1 were living in Raheja Residence and they had developed intimacy with each other since June, 2013. Respondent No.1 started visiting the Gym at Raheja Residency, where respondent No.2 was Gym trainer. Though the petitioner moved into another apartment at Sarjapura, but the wife continued the Gym at Raheja Residency. The petitioner also gained knowledge that, respondents 1 and 2 were meeting publicly and respondent No.2



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was frequently visiting the dental clinic of respondent No.1.

5.11 At the earlier point of time, respondent No.1 insisted the petitioner to start a Gym along with her dental clinic, at that point of time, the petitioner had not suspected any illicit relationship between respondents 1 and 2, however due to financial constraints, he had invested his money only in the renovation of Dental clinic. After the petitioner moved out in October 2019, respondents 1 and 2 started openly meeting at the house, when the son was at School. The petitioner further learnt that respondent No.1 was transferring huge sum of money to respondent No.2 without his knowledge and consent.

5.12 To his shock, he also noticed that respondent No.1 left Bengaluru with minor child on 14.12.2019 without informing the petitioner and on his enquiry



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found that, respondents 1 and 2 had boarded on Air Indigo flight from Bengaluru to Jaipur and traveled in the same flight on the very same day and respondent No.1 had sponsored the air travel for respondent No.2 and to other members along with respondent No.2, namely, Issar Pasha and Syed Umar. Thereafter, the petitioner came to know that respondents 1 and 2, minor child and families of both respondents had visited Ajmer Sharif Durgah and stayed at a Hotel LN Courtyard, Ajmer, Rajasthan. Respondents 1 and 2 shared a room in the said hotel and stayed together in the said hotel from 14.12.2019 to 16.12.2019, while the child was kept in another room with her parents.

5.13 The petitioner with the help of local police was able to get the records of the stay of respondent No.1 with respondent No.2 from the said hotel along with the ID provided by them for the purpose of booking the rooms. Thereafter, the petitioner learnt that



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respondent No.1 had withdrawn huge sum of money from the ATM near the gym at Raheja Residency in the month of October 2019 and transferred all the money and assets i.e., jewelry purchased by petitioner, to respondent No.2. On 06.11.2019, respondent No.1 sold the jewelry purchased by the petitioner and transferred the money to respondent No.2. This made the petitioner to believe that respondent No.1 had been in adulterous life with respondent No.2 since 2013 and apprehending threat to his life and his minor son, the petitioner having no other alternative, filed the petition seeking divorce, custody of the child and other restraint orders, as extracted above.

AS PER RESPONDENT NO.1:

5.14 In response to notice, respondent No.1 appeared through her counsel and filed her statement of objections on 27.08.2020 and it is noticed that immediately on the following date i.e., on



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28.08.2020, she filed a complaint against the petitioner, his parents and other relatives for the offences punishable under Section 498A read with section 34 of Indian Penal Code and Sections 3 and 4 of Dowry Prohibition Act, 1961 and other penal offences.

5.15 In the objection statement, she had contended it was the petitioner who was causing cruelty to her, both mentally and physically, demanding dowry and he had made uncomfortable sexual advances against his sister, while they were in Delhi, which the sister of respondent No.1 informed one of her friend through e-mail on 13.08.2019 at 9:27 am.

5.16 Respondent No.1 claimed that the petitioner was not happy with her pregnancy and he forcibly sent her to Chandigarh to his parental residence, where his mother forced her to eat raw papaya, leading to miscarriage. Respondent No.1 was traumatized by



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the petitioner's mother to see that she had miscarriage, and apprehending danger to her child, she called her parents and gone to her parental home.

5.17 It is contended that, the mother of the petitioner was assaulting respondent No.1 while she was in their residence immediately after the marriage and when she had gone for delivery. The petitioner refused to help out with any household chores and in looking after the baby. She had contended that the petitioner had become extremely sensitive to the spending of money towards the expenses of new born baby and even started counting cost of Lactogen that their baby was consuming.

5.18 It was her specific contention that in June 2019, the petitioner had become sex addict and extremely aggressive physically and he had become violent & brutal, while having intercourse. Unable to bear the



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trauma, respondent No.1 moved to the another room of their house. The petitioner thereafter, started coming to the said room and sometimes even dragged her by force to his bedroom. Then respondent started sleeping in their son's room after that, only to escape his violence.

5.19 She had further contended that the petitioner in the ego of becoming a billionaire reached the seventh sky and believing that he being such a billionaire and one of the India's most well known person, could do anything he wanted.

5.20 It is contended that on 20.10.2019, the petitioner came home suddenly and demanded that she should sign some of the property papers and handover the same to him and threatened her with physical violence that, if she did not sign over the property that belonged to her to convey the same to his name and he also stated that he would make her penniless.



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5.21 Respondent No.1 after noticing that petitioner was heralding that he would end her life, fearing threat to her life and her son's life, left the matrimonial home along with the child on 23.10.2019 at the early hours and went to Chandigarh by flight to live with her parents.

5.22 It is also contended that on 02.11.2019, when she returned, she noticed that the locks of her cupboard in the house had been broken, and the petitioner had moved his belongings to their flat in Raheja Residency and would no longer be living with them. Since November 2019, the petitioner had completely abandoned them by leaving matrimonial home. She had further stated that she had also filed a complaint with the Police for the offences stated afore and sought to dismiss the petition.



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5.23 After service of summons, respondent No.2 did not appear before the Family Court. Hence, he was placed *ex-parte*.

5.24 Upon completion of pleadings, the Family Court framed following points for consideration:

1. *Whether the petitioner proves that the respondent No.1 is in adulterous relationship with respondent No.2?*
2. *Whether the petitioner further proves that after respondent No.1 had treated him with cruelty as per Section 13(1)(i-a) of the Hindu Marriage Act, 1955?*
3. *Whether the petitioner is entitled for the relief of permanent custody of the minor child Aryaman?*
4. *Whether the petitioner proves that he is entitled for the relief of restrain orders against respondent No.1 by restraining her, or any person claiming through her or her agents from taking or removing the minor child Aryaman Bansal out of the jurisdiction of the Court as prayed in prayer "c" of the petition?*
5. *Whether the petitioner proves that he is entitled to the relief of restraining the respondents, or any person claiming through them or any of their representatives or agents and press from*



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printing or publishing in print media, electronic media or any social media sites in any for on any matter in relation to the dispute and subject matter of the petition as prayed in prayer 'd' of the petition?

6. *Whether the petitioner proves that he is entitled for the relief of dissolution of his marriage as prayed?*
7. *What decree or order?*

5.25 The petitioner in order to prove his case, examined himself as PW.1 and produced 23 documents and marked them as Ex.P1 to P23 and Ex.P.20(a) came to be marked during the cross-examination of RW.3. Respondent No.1 examined herself as RW.1 and two witnesses i.e., her brother and sister as RW.2 and RW.3 and produced totally 18 documents, Ex.R1 to R11 were marked by RW.1, Ex.R12 to R16 were marked by RW.2 and Ex.R17 and 18 were marked by RW.3.

5.26 The Family Court after hearing the parties and appreciating the evidence both oral and



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documentary, answered the above points for consideration in the following manner:

Point No.1: In Negative;

Point No.2: In Affirmative;

Point No.3: Does not arise for consideration as answered.

Point No.4: Does not arise for consideration as answered.

Point No.5: In Affirmative.

Point No.6: Partly in Affirmative.

Point No.7: As per final order.

and allowed the petition in part, granting the reliefs as under:

"ORDER

Petition filed U/Sec.13(1)(i)(i-a) of The Hindu Marriage Act, 1955 by the petitioner/ husband is hereby allowed in part.

The marriage solemnized between the petitioner and respondent No.1 on 28.4.2008, at AK Resorts, Patiala Road, Zirakpura, Punjab and registered before the Registrar of Marriages, Bommanahalli, Bangalore on 19.7.2010 bearing No.BMH-HM-349209-11 stored in C.No.BMHM56, is hereby dissolved by decree of divorce on the



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ground of cruelty U/Sec.13(1)(i-a) of Hindu Marriage Act, 1955.

Respondents or any person claiming through them or any of their representatives or agents and the press are restrained from printing or publishing in print media, electronic media or on any social media sites in any form on any matter in relation to the dispute and subject matter of this petition.

Claim of petitioner with regard to permanent custody of the minor child can be dealt in separate proceedings under appropriate provision of law. Hence, relief claimed under column (b) and (c) does not survive for consideration.

No order as to costs.

Draw up decree accordingly."

CIRCUMSTANCES CONSIDERED BY THE FAMILY COURT:

5.27 The circumstances considered by the Family Court for the conclusion to allow the petition in part.

5.28 The Family Court noted that there is a close intimacy between respondent Nos.1 and 2, and respondent No.1 even had gone to an extent of saying that



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respondent No.2 was her handy man, helping her to repair A.C, helping her in her Clinic and other works.

5.29 The evidence of RW.1 as well as RW.2 and RW.3 were focused more on the adultery alleged against respondent No.1, but failed to controvert the cruelty which the petitioner had suffered at the hands of respondent No.1. The Family Court noticed that the Pen drive at Ex.P19 contains video graphs that would show that respondents 1 and 2 would be seen in public places together. The absent of plausible explanation of relationship between respondent Nos.1 and 2 has been considered by the Family Court as a strange move and the entire cross-examination of RW.1 was only in respect of the allegation of adultery.

5.30 The Family Court has considered the contents of Ex.P7 and P17, which reads as under:

"You assaulted me on Sunday without any reason and today at 5 am., came to know that



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you left with our son without letting me know where you are going and when. I waited till now thinking that you will come back with our son. Since it's past 7 pm., I'm getting worried and frantic. Kindly let me know where you are and where our son is. I am forced to send this message by email, sms and Whatsapp to ensure you see it. If I don't hear from you, I will be forced to file a missing persons complaint with the police, as I am worried about the safety of our son."

"I called your father just now and he told me that you are at home. You accuse me of hitting you, while I am the one who has been assaulted by you many times in the last three months. You keep accusing me of something which was actually just self harm caused by you. This is highly distressing behaviour and makes me worried about Aryaman's safety. You also refused to give me a time when you will be back. This is also leading to Aryaman missing school which is not good for him."

5.31 Further, the Family Court examined the Medical Certificate of Mallige Hospital, Bengaluru dated



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29.10.2013, wherein the petitioner had taken treatment for the following injuries:

- 1. Abrasion with contused skin over lateral aspect of left arm, largest measuring 4 X 3 cms.*
- 2. Abrasions left forearm measuring 1 X 1 cms.*
- 3. Abrasions right forearm measuring 1 X 1 cm.*
- 4. Abrasion right hand measuring 1 X 1 cm.*

5.32 It is also forthcoming in the cross-examination of RW.1 that, though the mail was sent in the year 2019 i.e., on 23.10.2019, she had not taken any pain to look into the mail and it was for the first time before her cross-examination, she had gone through the mail. The same is explicitly clear to the question and answer extracted by the Family Court in its Judgment, which reads as under:

"Q: When did you last check your email inbox after 23.10.2019?

Ans: Before my cross-examination in this case today i.e., 3.45 pm."



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5.33 The Family Court though has not accepted Ex.P20 as the direct evidence of adulterous act, since the author of the same had not been examined to prove the said document for afore contentions, but has taken the same as a ground for Cruelty. Both RW.2 and RW.3 though tried to save respondent No.1 from charges of Adultery, but they were answerless to the question regarding the entries made against Room No.3505 as they admitted that they had not taken any steps against the authorities of the hotel. Respondent No.1 in her objection statement as well as evidence, clearly stated that respondent No.2 is her handy man, who used to help her in repairing her A.C and helping her in her clinic and other works and he is also her Gym trainer.

5.34 That the wife had stated that after filing of the petition, she had stopped meeting respondent No.2 and also stopped talking with him. This lead the Family Court to hold against the wife.



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5.35 The wife used the e-mail sent by her sister against the petitioner to trash his character, as retaliation against the contentions of illicit relation made by the husband against her with respondent No.2. Though RW-3 examined and stated about the e-mail but not produced any document to show the whatsapp message she had stated in the e-mail.

5.36 The Family Court further considered that respondent No.1 had filed false criminal case against the petitioner and his parents and other relatives, which made the petitioner to approach the High Court to seek quashing of the proceedings, which ultimately resulted in his favor, quashing the proceedings. It was also on record that respondent No.1 had taken steps to file a Criminal Case for defamation in the Court, at Delhi, which resulted in dismissal. These are all the circumstances for the Family Court to say that the petitioner had proved the ground of Cruelty against respondent No.1, but failed to prove the



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ground of adultery and allowed the petition in part. It is this Judgment and Decree passed by the Family Court is called in question in the appeal by the wife in its entirety and by the husband in cross-objection only against rejection of petition on the ground of adultery.

6. Heard, Sri.Mudit Jain, learned counsel appearing for Sri.Darshan Jain.M, learned counsel for the respondent/ wife and Sri.K.N.Phanindra, learned Senior counsel, assisted by Sri.Samrudh Surag Hegde, learned counsel for the petitioner/husband.

7. Sri.Mudit Jain, learned counsel appearing for the respondent-wife with all vehemence argued more on the ground of adultery, perhaps in view of cross-objection filed by the husband.

7.1 Learned counsel submits that the husband has the record of leaving the house without any reason. He left the house in 2012, 2013 and 2019. Ex.P19 and



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P20 are the only documents produced on the allegation of adultery. They fall short to prove the ground of adultery. The Family Court having considered the said aspect of the matter, held that the evidence falls short to establish the ground of adultery. Consequently, the same cannot be relied upon or form the basis to hold that the ground of cruelty had been proved. In that view of the matter, the decree of divorce granted on the ground of cruelty required to be set-aside.

7.2 He further submits that the petitioner husband answered all the questions put to him which were extracted in the judgment at page No.54 from bottom line, which runs upto page No.56. He answered all the questions put in favor of the respondent wife. Learned counsel submits that apart from Ex.P20, there is no other document to show that the respondents 1 and 2 were staying together at any place including Hotels and the petitioner



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husband has answered all the questions positively that, he ever seen respondents involved in any adulterous act or the respondents were found in the hotel room together.

7.3 Learned counsel submits that making false allegations or accusations of Adultery, without there being any proof in that line, amounts to Cruelty on the wife. In view of his failure to prove the ground of Adultery, the said allegation itself, prove the cruelty against the wife by the husband. The Family Court has failed to consider this aspect of the matter.

7.4 Mr.Jain, further submits that the disgusting accusation of unchaste amounts to assault on the character of an educated woman and amounts to adding injury to the worst kind and sufficient to substantiate cruelty. The Family Court has failed to consider that it is the husband who by his own allegations caused cruelty to the wife, in view of his



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failure to substantiate the same and sought to allow the appeal, by dismissing the cross-objection and set-aside the Judgment and Decree passed by the Family Court.

8. In contrast, Sri.K.N.Phandindra, learned Senior counsel submits that though the documents at Ex.P20 falls short to prove the ground of adultery, but what remains is the bizarre close intimacy of respondent No.1 wife with respondent No.2, who even according to her is a gym trainer and her handyman who was helping her in her daily routine.

8.1 Learned Senior counsel submits that traveling with a person from Bengaluru to Chandigarh and thereafter visiting the holy place, and their frequent meeting in public places and in the clinic of respondent No.1, are the circumstances which are more than sufficient to prove the ground of cruelty.



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8.2 He further submits that the ground of adultery cannot be proved by direct evidence, but it can be ascertained by the circumstances as direct proof of Adultery and rarely be given and even if it is given, on the facts and circumstances of the case, there are all chances of suspicion and disbelieving the same, hence the accepted rule therefore is that, the circumstantial evidence is all that can normally be accepted in the proof of adultery. The circumstances like traveling together, staying in one room in a hotel with a trainer, whom the wife calls her handyman, the Family Court ought to have considered these circumstances as proof of adultery.

8.3 Learned Senior counsel further submits that the allegations were on the basis of the circumstances which had driven the petitioner husband to believe that, respondents 1 and 2 are in close intimacy and leading adulterous life.



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8.4 Apart from this, the conduct of respondent No.1 assumes much importance in the case i.e., for the first time, immediately after receipt of notice and in divorce petition after filing the statement of objections on 27.08.2020, on the very following day, the wife lodges a complaint against the petitioner, his parents and other relatives for the offences punishable under Section 498A of IPC, Sections 3 and 4 of the Dowry Prohibition Act and other penal offences. The petitioner was made to run to this Court and this Court having considered the facts and circumstances, allowed the petition and the charges laid against the petitioner and his family members were obliterated. However, respondent No.1 did not stop her actions, but carried the same unsuccessfully before the Supreme Court. Though there is an observation by the Supreme Court that the matrimonial case should be decided without being influenced by any observations, but the fact remains



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that false accusations and involving innocent persons in criminal case establishes and amounts to mental cruelty. Besides this, the medical certificate issued showing the injuries proves that, respondent No.1 was in the habit of assaulting the petitioner. The Family Court has rightly come to the conclusion that, the entire cross-examination was focused on adultery, however there is no cross-examination to contradict the ground of adultery. Respondent No.1 wife made accusations that, the husband demanded dowry at the time of marriage and persistently demanding further, after the marriage. The same is belied by the fact that the husband purchased several movable and immovable properties in her name and now a suit is filed for cancellation of conveyance and also for recovery of other movable properties. The Family Court has clearly observed that the petitioner husband despite his earlier busy routine in developing his business concern, which he



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started as a Co-founder in 2007, had given all comforts of life to respondent No.1 and the child and even had taken them on vacation, both out of Country and within the Country. He was a caring husband and is a caring father. The child is now pursuing his studies in America and all the expenses are borne by the father.

8.5 All that Senior counsel submits is that the entry of a third party in the marital life of the parties is the reason for the 'crevice' in the marital relationship. It is the close move of respondent No.1 with respondent No.2 that caused mental cruelty, apart from physical assault advanced by respondent No.1 causing injuries to the petitioner.

8.6 Learned Senior counsel also submits that the conduct of respondent No.1 wife crossed all the borders when she falsely filed a complaint of defamation before the Court at Delhi on the basis of affidavit prepared in



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the matrimonial case, which was rightly dismissed. As such, the life with such a partner would not only be a disgust, but also brings with it, all other unwelcomed stresses in life. The Family Court has properly considered this aspect of the matter, though granted decree of divorce on the ground of cruelty ought to have considered the ground of adultery as the same has been proved by leading circumstantial evidence and sought to allow the cross-objection to the extent of adding the ground of adultery and to dismiss the appeal filed by wife.

9. Having considered the rival submissions, we have perused the entire appeal paper, cross-objection paper as well as the Trial Court record.

10. At the outset, we make it clear that we are not impressed with the arguments of both learned counsel for the wife and learned Senior counsel appearing for the husband on the ground of adultery. The Family Court



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having considered the entire aspects of the matter, in the absence of corroborative evidence to substantiate the ground, even on the basis of circumstances, declined to grant the decree on the ground of adultery. In that view of the matter, we are in complete agreement with the reasoning of the Family Court declining ground of adultery. Accordingly, we hold that there is no merits in the cross-objection filed by the petitioner husband.

11. In so far as the ground of cruelty is concerned, as rightly observed/ held by the Family Court, there is no effective cross-examination to discredit the evidence of the petitioner husband on the ground of cruelty. The entire concentration was on the adultery. Though the evidence placed on record falls short to prove the ground of adultery, but the same can be a ground for mental cruelty as rightly pointed out by learned Senior counsel that, the entry of a third party in the marital life of the parties is the reason for the Crevice in the marital relationship and



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reached the stage where it is impossible for the couples to reunite the marital tie.

12. That apart, the false accusation and involvement in criminal case inviting penal provisions and registering case after filing the objection in divorce petition, amounts to mental cruelty. There is no effective cross-examination and evidence led by respondent No.1 wife on the contentions that the petitioner husband was assaulted by her on a particular date, in the presence of medical certificate stating the injuries. The said certificate followed by the e-mail, Whatsapp message has not been controverted by respondent No.1 – Wife.

13. The contentions in family dispute are very sensitive and to be proved on the touchstone of preponderance of probabilities. The petitioner husband has discharged his initial burden of he being inflicted with cruelty by the wife, the close intimacy of respondent No.1 with respondent No.2, whom she would call as her



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handyman and the false accusation and filing of criminal case with penal provisions not only against the petitioner, but his parents and other relatives and filing false defamation case, are all the circumstances to hold that the husband has proved his case on the ground of cruelty.

14. It is on record that respondent No.1 unsuccessfully taken the order passed by this Court in Criminal Petition quashing the criminal case filed by her against the husband and family members before the Sessions Court. We are aware of the observations of the Supreme Court in SLP produced at Ex.R6. We have not at all considered the observations made in the Criminal Petition. Nevertheless, the fact that the Criminal proceedings culminated in quashing, cannot be ignored while examining the allegations of cruelty. The filing of a criminal complaint, which ended in quashing is a relevant circumstances indicating that the allegations were false, particularly in the backdrop of the fact that the said criminal case was registered on the very next day, after



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respondent No.1 filed her statement of objections in the divorce petition.

15. The argument of learned counsel for the wife that, disgusting accusation of unchaste amounts to assault on the character of an educated woman and amounts to adding injury to the worst kind and sufficient to substantiate cruelty, cannot be countenanced, for the reason that the claim/contention taken by the petitioner-husband was not without any basis. As stated afore, direct evidence of adultery is rarely available. It is an exception to the accepted rule that, it is circumstantial evidence that is normal be accepted as the proof of adultery. Though the circumstances placed against respondent No.1, falls short in the absence of examining the author of Ex.P20, but the fact remains that this document was obtained, through the assistance of local Police, from the Hotel where the respondents stayed. The said document though failed to prove that respondents 1 and 2 stayed in a single room, but the fact that the respondent No.1 wife traveled along



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with respondent No.2 with other two relatives of respondent No.2 from Bengaluru to Chandigarh and from there to Ajmer, along with other relatives of respondent No.1 and stayed in the same hotel and the close intimacy of respondent No.1 with a person who is a gym trainer and accompanying the wife from Bengaluru to Ajmer and returning to Bengaluru from Ajmer, amounts to very bizarre circumstances, which though respondent No.1 tried to explain in her own way, but are not convincing. In that view of the matter, we find no infirmity in the Judgment and Decree passed by the Family Court. The appeal filed by the wife sans merits and is liable to be dismissed.

16. For the foregoing reasons, we proceed to pass the following:

ORDER

- (i) The appeal filed by the wife in MFA No.1411/2025 and MFA Cross-objection filed by the husband, assailing the



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Judgment and decree dated 14.10.2024,
passed by the IV Addl. Prl. Judge, Family
Court, Bengaluru, are ***dismissed***.

(ii) Given the facts and circumstances of the
case, no order as to costs.

17. In view of dismissal of appeal and cross-
objection, pending interlocutory applications, if any, stand
disposed of.

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

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

TKN
List No.: 2 Sl No.: 10