



NC: 2026:KHC:45920-DB
MFA No. 1879 of 2024

CNR: KAHC010155062024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF AUGUST, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

MISCELLANEOUS FIRST APPEAL NO.1879/2024(MC)

BETWEEN:

SRI. SHIVARAJA N,
S/O NARAYANAPPA,
AGED ABOUT 33 YEARS,
R/AT NO 126, DODDAKANNAHALLI ROAD,
NEAR WATER TANK, GATTAHALLI,
HUSKUR, ANEKAL TALUK,
BANGALORE URBAN DISTRICT,
KARNATAKA 560 099.

...APPELLANT

(BY SRI.ALLAH BAKSH.M.,ADVOCATE)

AND:

SMT.MALA M,
D/O MUNIYALLAPPA,
W/O SHIVARAJA N,
AGED ABOUT 28 YEARS,
R/AT SAMETHANAHLLI VILLAGE,
HOSKOTE TALUK,
BENGALURU RURAL DISTRICT 560 067.

...RESPONDENT

(BY SRI. K.A.CHANDRASHEKARA, ADVOCATE)

THIS MFA FILED U/S.28(1) OF HINDU MARRIAGE ACT,
AGAINST THE JUDGMENT AND DECREE DT.01.02.2024 PASSED
IN MC NO.78/2022 ON THE FILE OF THE II ADDITIONAL
SENIOR CIVIL JUDGE AND JMFC, ANEKAL, DISMISSING THE
PETITION FILED U/S.13(I)(A) OF THE HINDU MARRIAGE ACT,
1955 WITH COST.

Digitally
signed by
MALA K N
Location:
High Court
of Karnataka



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THIS APPEAL, COMING ON FOR ADMISSION, 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 has been filed under Section 19(1) of the Hindu Marriage Act, 1955 (hereinafter referred to as 'Act' for short) by the husband impugning the judgment and decree dated 01.02.2024 passed in M.C. No.78/2022 by the II Additional Senior Civil Judge and JMFC at Anekal, (hereinafter referred to as 'Family Court' for short) whereby the divorce petition filed by the husband on grounds as mentioned in the petition under Section 13(1)(a) of the Act came to be dismissed with costs.

2. During the pendency of this appeal, parties have settled their dispute amicably and have decided to part company, for which, they have filed joint petition under Section 13 B of the Act read with Section 151 of the



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Code of Civil Procedure, 1908 seeking dissolution of their marriage by a decree of divorce by mutual consent.

3. The joint affidavit filed by the parties discloses that their marriage was solemnized on 03.12.2020 and they have been living separately since 03.02.2022. The differences between the parties are irreconcilable and there is no likelihood of cohabitation or settlement in the matter, and therefore, they have decided to part ways amicably by filing a petition under Section 13 B of the Act.

4. The parties are present before the Court and have been duly identified by their respective learned counsel. We have also interacted with them and ascertained their intentions. The parties have voluntarily agreed to dissolve their marriage by mutual consent and they state that the joint petition has been filed without any force, coercion or undue influence.

5. The joint affidavit filed by the parties would read as under:



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JOINT AFFIDAVIT

We, **1.Sri. N. Shivaraja**, S/o Narayanappa, aged about 36 years, residing at Gattahalli Village, Huskur Post, Sarjapura Hobli, Anekal Taluk, Bangalore 560099, and **2. Smt. M. Mala**, W/o N. Shivaraja, D/o Muniyallappa, aged about 31 years, residing at Samethanahalli Village, Anugondanahalli Hobli, Hoskote Taluk, Bangalore Rural District-560067, do hereby solemnly affirm and state as follows:

1. We are the Petitioner and Respondent respectively in the above proceedings and are well acquainted with the facts of the case.
2. Our marriage was solemnized on 03.12.2020 at K.H. & B.M.R. Kalyana Mantapa, Sarjapura Main Road, Anekal Taluk, according to Hindu rites and customs.
3. Due to matrimonial differences and incompatibility, we could not live together peacefully as husband and wife.
4. We have been living separately since 03.02.2022 and have not resumed cohabitation thereafter.
5. We state that there is no possibility of reconciliation between us and we have mutually decided to dissolve our marriage by a decree of divorce by mutual consent under Section 13(B) of the Hindu Marriage Act, 1955.
6. We state that our decision to seek divorce by mutual consent is voluntary and has been made with our free will and consent, without any force, coercion, undue influence, fraud or misrepresentation.
7. We have mutually agreed that neither of us shall claim maintenance, permanent alimony, interim maintenance or any other monetary amount from the other, subject to applicable law and orders of the competent Court.
8. We further state that neither party has any claim against the other in respect of movable or immovable properties, jewellery, household articles, money or other



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matrimonial assets, except as specifically recorded in the settlement, if any.

9. We undertake that we shall not make any further matrimonial claim against each other arising out of our matrimonial relationship, subject to the rights available under law.

10. Due to differences between the parties, we have been living separately since more than 4 years and there is no possibility of resuming their matrimonial relationship.

11. We have mutually and voluntarily agreed to dissolve our marriage by divorce and have decided to bring an end to all their matrimonial disputes.

12. Both parties state that they have arrived at this settlement voluntarily, out of their own free will and consent, without any force, coercion, undue influence or misrepresentation.

13. There is no child born from the marriage till date.

*14. The respondent submit that she agreed to withdraw the section 9 restitution of conjugal rights in **M.C No.159/2026**, pending before the **PRL.SENIOR CIVIL JUDGE AND JMFC AT ANEKAL**, filed by her.*

15. Both parties are at liberty to marry any person of their choice.

16. Both parties shall not interfere in personal life, career or family affairs.

17. Both parties shall not file any civil or criminal case against each other or against their family members.

18. Both parties are at free from matrimonial bond from this day and separated.

19. Both the parties admit and agree that they have exchanged their belongings and they have received and acknowledge the same.



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20. Both parties admit that there is no child from the marriage and the respondent is not conceived as on date.

21. The parties therefore jointly request this Hon'ble Court to record their mutual terms and pass appropriate orders for dissolution of their marriage by mutual consent, in accordance with the applicable matrimonial law.

22. We state that we have read and understood the contents of the accompanying Section 13(B) application and the same are true and correct to the best of our knowledge and belief.

23. We therefore jointly request this Hon'ble Court to accept our consent and pass appropriate orders dissolving our marriage by a decree of divorce by mutual consent.

WHEREFORE, it is prayed that this Hon'ble Court may be pleased to pass a judgment and decree dissolving the marriage between the petitioner and the respondent, solemnized according to Hindu rites and customs on 03.12.2020., in the interest of justice and equity.

We deponent/s do hereby state and declare that we have read and understood the contents of the accompanying Section 13(B) application and the same are true and correct to the best of our knowledge and belief."

7. In view of the settlement arrived at between the parties, the impugned judgment and decree dated 01.02.2024 passed in M.C. No.78/2022 by the II Additional Senior Civil Judge and JMFC, Anekal, is set aside. The marriage solemnized between the parties on



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03.12.2020 is dissolved by mutual consent under Section 13 B of the Act. Accordingly, the appeal stands allowed in terms of the settlement.

8. The parties shall abide by the terms and conditions contained in the joint petition/settlement filed before this Court.

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

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

BVK
List No.: 2 SI No.: 3