



CNR: KAHC010162742020

NC: 2026:KHC:39894-DB
MFA No. 2969 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 06TH 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. 2969 OF 2020 (MC)

BETWEEN:

MR. O. RAMA NAIK,
S/O. MR. ISHWAR NAIK,
AGED ABOUT 47 YEARS,
R/AT SOURABHA,
ODIYUR POST,
KAROPADY VILLAGE,
BANTWAL TALUK - 574 279.

...APPELLANT

(BY SRI. RAJASHEKAR S., ADVOCATE)

AND:

MRS. LALITHA @ DEVIKA,
D/O. SHEENA NAIK,
W/O. MR. O. RAMA NAIK,
AGED ABOUT 36 YEARS,
R/AT DODDAJE HOUSE,
PERLAPU POST,
KADE SHIVALAYA VILLAGE,
BANTWAL TALUK - 574 223.

...RESPONDENT

(BY SRI. KAMALESHWARA POOJARY, ADVOCATE)

Digitally
signed by
REKHA R
Location:
High
Court of
Karnataka



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THIS MFA IS FILED UNDER SECTION 28(1) OF THE HINDU MARRIAGE ACT, AGAINST THE JUDGEMENT AND DECREE DATED:15.02.2020 PASSED IN M.C.NO.52/2016 ON THE FILE OF THE PRINCIPAL SENIOR CIVIL JUDGE AND JMFC, BANTWAL, DAKSHINA KANNADA, DISMISSING THE PETITION FILED UNDER SECTION 13(1)(ia) AND (ib) OF THE HINDU MARRIAGE ACT.

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 T.M.NADAF

ORAL JUDGMENT

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

The present appeal is filed under Section 19(1) of the Family Courts Act, 1984, impugning the judgment and decree dated 15.02.2020 passed by the Principal Senior Civil Judge and JMFC, Bantwal D.K, in M.C.No.52/2016 filed by the appellant/husband seeking a decree of divorce on the ground of cruelty and desertion as provided under Section 13(1)(ia) and (ib) of the Hindu Marriage, Act,



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1955. The Family Court, vide impugned judgment and decree has dismissed the M.C.No.52/2016.

2. During the pendency of this appeal, the parties have settled their dispute amicably and decided to part company by taking divorce by mutual consent for which they have filed application under Section 13B of the Hindu Marriage Act, 1955 read with Order XXIII Rule 3 and Section 89 of the Code of Civil Procedure, 1908.

3. The parties are present before this Court, who have been duly identified by their respective counsel. We have interacted with the parties, who have categorically and unequivocally stated that the terms in the memorandum as contained in the petition filed under Section 13B of the Hindu Marriage Act, 1955 read with Order XXIII Rule 3 and Section 89 of the Code of Civil Procedure, 1908, have been settled between them out of their free will, without any force, coercion and undue



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influence and they shall abide by the terms and conditions of settlement, which reads as under:

"2. The marriage between the Appellant and the Respondent was solemnized on 06.01.2013 and no issues were born out of the wedlock. Due to the differences of opinion, series of dispute arose between the parties.

3. The Respondent - wife had filed a Petition under Section 144 of BNSS in Crl.M.C. No.225/2025 on the file of the Senior Civil Judge and JMFC. Bantwal, D.K seeking maintenance of Rs.25,000/- from the Appellant.

4. It is further submitted that during the pendency of the above Appeal due to intervention of elders, family friends, well-wishers and pursuant to the negotiations took place between the parties, the Appellant and the respondent have decided to settle the dispute amicably and to put an end to the litigations and as such, the Appellant and the respondent have entered into the present compromise with the following terms and conditions:

(i) In view of the settlement arrived at between the Appellant and the respondent, they have agreed for dissolution of the marriage by mutual consent solemnized between them on 06.01.2013 at Odiyur Sourabha, Bantwal Taluk, D.K District.

(ii) In view of the settlement arrived at between the parties, the Appellant husband has agreed to pay a sum of Rs. 18,00,000/- (Rupees Eighteen Lakhs Only) to the Respondent wife as permanent alimony within one year from 6.08.2026 and on or before 05.08.2027.

(a) A sum of Rs. 3,00,000/- (Rupees Three Lakhs) is paid by the Appellant - husband to the Respondent - wife towards first instalment by way of DD bearing No. 006164 dated 05.08.2026 to the Respondent wife on 06.08.2026 before this Hon'ble Court:



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(iii) The balance amount of Rs. 15,00,000/- will be paid in one-time payment or in 5 installments within one year and the Appellant shall deposit the amount payable by him to the Respondent - Wife as agreed under Clause (ii) to the Bank Account of the Respondent - Wife and the details are as under:

Account Name : LALITHA
Account No. : 520101041542720
Bank : UNION BANK
IFSC Code : UBIN0900826

(iv) In view of the settlement arrived at between the parties, the Respondent-wife has agreed that immediately upon receipt of the entire settlement amount of Rs. 18,00,000/-, she shall forthwith file the necessary memo/application for withdrawal/disposal of Crl. M.C. No.225/2025 pending on the file of the Senior Civil Judge and JMFC, Bantwal, D.K. District and shall extend her full cooperation for disposal of the said proceedings, failing which, the Appellant - husband shall get the above Crl. M.c. No. 225/2025 disposed of by producing this joint Petition.

(v) It is agreed between the parties that in the event if the Appellant husband commits any default in the matter of payment of permanent alimony as stated supra, the Respondent - wife is at liberty to seek for attachment of her legal entitlement towards the balance settlement amount payable from the salary of the Appellant - husband in the pending Crl. M.C. No. 225/2025 and such other reliefs as may be available in law, including issuance of an arrest warrant, subject to orders of the competent Court and in accordance with law.

(vi) The Respondent-wife has agreed that upon receipt of the entire settlement amount, she shall not claim any amount towards compensation or any other monetary claim, whether for the present, past or future and shall not claim any right or interest of



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whatsoever nature against the Appellant-husband, in any manner.

5. That the compromise entered into between the parties is valid, legal and the same is not opposed to any law. The above compromise is entered between the parties out of their free will and there is no force, threat, coercion and undue influence in entering this compromise.

6. In view of the aforesaid compromise entered into between the parties, the parties pray that this Hon'ble Court be pleased to grant a decree in terms of this Compromise in the interest of justice and equity.

WHEREFORE, the parties to the above Appeal pray that this Hon'ble Court may kindly be pleased to decree/dispose of the above Appeal in terms of this compromise in interest of justice and equity."

4. The parties have put their signatures on an compromise containing terms as stated aforesaid. We deem it appropriate to dissolve the marriage which was performed between them on 06.01.2013, by the consent decree to be drawn.

5. So far as alimony is concerned, out of 18,00,000/- agreed between the parties, a demand draft of Rs.3,00,000/- has been handed over today in the Court.



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The remaining amount of Rs.15,00,000/- is to be paid in five installments of Rs.3,00,000/- each upto 31.08.2027.

With the aforesaid direction, we **allow** this appeal in terms of the order passed.

Sd/-
(D K SINGH)
JUDGE

Sd/-
(T.M.NADAF)
JUDGE

PK
List No.: 1 Sl No.: 15
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