



CNR: KAHC010186552026

NC: 2026:KHC:36748-DB
MFA No. 1990 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH 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. 1990 OF 2026 (FC)

BETWEEN:

1. NANDA KUMAR. M. S.
S/O LATE SHIVRAJ
AGED ABOUT 31 YEARS
R/AT NO. 2319, 27TH CROSS,
HEBBAL 2ND STAGE,
BEHIND SANKRANTHI CIRCLE,
VIJAYANAGAR 2ND STAGE,
MYSURU, KARNATAKA - 570017

...APPELLANT

(BY SRI. SANTOSH B M., ADVOCATE)

AND:

1. VARSHITHA. R
D/O. RANGASWAMY
AGED ABOUT 25 YEARS
R/AT NO NO.374, 4TH CROSS,
NORTH EAST, N.R. MOHALLA,
MYSURU - 570007

...RESPONDENT

THIS MFA IS FILED U/S 19(1) OF FAMILY COURTS ACT ACT AGAINST THE JUDGMENT AND DECREE DATED 09.01.2026 PASSED IN MC NO. 538/2024 ON THE FILE OF THE II ADDITIONAL PRINCIPAL JUDGE, FAMILY COURT, MYSURU, ALLOWING THE PETITION FILED UNDER SECTION 13(1)(ia) OF THE HINDU MARRIAGE ACT.

Digitally
signed by
VASANTHA
KUMARY B K
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 T.M.NADAF

ORAL JUDGMENT

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

The present appeal under Section 19 (1) of the Family Courts Act, 1984 has been filed by the appellant-husband impugning the judgment and decree dated 09.01.2026 passed in M.C.No.538/2024 by the II Additional Principal Judge, Family Court, Mysuru.

2. The marriage of the appellant and respondent was solemnized on 13.04.2022. It appears that the marriage was not a successful union between the parties and bickering started in relationship for several reasons. The respondent-wife left the matrimonial home during November-2024 and thereafter instituted a petition seeking dissolution of marriage. The Family Court, after considering the facts and evidence brought on record, including the testimony of the parties, vide impugned judgment and decree has granted the divorce,



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dissolving their marriage solemnized on 13.04.2022 under Section 13(1) (ia) & (ib) of the Hindu Marriage Act, 1955. While granting the decree of divorce, the Family Court has awarded permanent alimony of Rs.8,00,000/- in full and final settlement of all claims of the respondent-wife, directing the appellant to pay the said amount within 60 days.

3. Learned counsel for the appellant submits that once the decree of divorce has been granted under Section 13(1) (ia) & (ib) of the Hindu Marriage Act on the ground of mental cruelty, there was no justification for the Family Court to award permanent alimony of Rs.8,00,000/- to the respondent-wife.

4. He further submits that the appellant is unemployed and does not possess sufficient means or resources to pay Rs.8,00,000/- alimony as fixed by the Family Court and the Family Court has not considered this aspect while granting the permanent alimony of Rs.8,00,000/- to the respondent-wife.

5. We have considered the submissions advanced by the learned counsel for the parties.



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6. Merely because a decree of divorce has been granted on the ground of cruelty under Section 13(1)(ia) and (ib) of the Hindu Marriage Act, it does not mean that the respondent-wife is not entitled to claim permanent alimony. In the present case, allegations have been made by both parties against each other. Therefore, the grant of permanent alimony cannot be denied solely on the ground that the decree of divorce has been granted on account of cruelty.

7. Having considered the facts and circumstances of the case, we are of the view that the amount of Rs.8,00,000/- awarded by the Family Court towards permanent alimony cannot be said to be excessive/exorbitant so as to warrant interference. However, considering the submission regarding the appellant's financial difficulties, we deem it appropriate to grant reasonable time for payment of the said amount.

8. The appellant is granted one year's time to pay the amount of Rs.8,00,000/- in four equal quarterly instalments of Rs.2,00,000/- each, payable as follows:

(i) First instalment on or before **31.10.2026**;



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- (ii) Second instalment on or before **31.01.2027**;
- (iii) Third instalment on or before **30.04.2027**; and
- (iv) Fourth instalment on or before **31.07.2027**.

9. Subject to the above modification regarding the payment of permanent alimony, the judgment and decree dated 09.01.2026 passed by the Family Court are affirmed. The appeal stands ***disposed of*** accordingly.

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

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

RKA
List No.: 1 SI No.: 1