



CNR: KAHC010193402020

NC: 2026:KHC:54808
WP No. 8591 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 8591 OF 2020 (GM-FC)

BETWEEN:

SMT.SRIMATHI HEGDE
AGED ABOUT 46 YEARS
W/O RAMANATH PRABHU
RESIDING AT FLAT NO.303
3RD FLOOR, DATTA PARADISE
NEAR KODICAL, CHURCH URWA STORE
MANGALORE-575 001

...PETITIONER

(BY SRI. KESHAVA BHAT A., ADVOCATE)

AND:

MR. RAMANATH PRABHU
S/O LATE RAGHU RAM PRABHU
AGED 50 YEARS
R/A DOOR NO.14-144/11
MALEMAR ROAD
DEREBAIL ASHOK NAGAR
MANGALURU-575 006

...RESPONDENT

(BY MS.GAUTHAMI S BHANDARY, ADVOCATE
SRI.BOPANNA P.C., ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE DIRECTION SETTING ASIDE THE ORDER OF THE 1ST ADDITIONAL PRINCIPAL FAMILY COURT, D.K., MANGALORE DATED 29.02.2020 IN EXECUTION CASE NO.21/2019 VIDE ANNEXURE-A.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

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by SUVARNA T
Location:
HIGH COURT
OF
KARNATAKA



CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

Aggrieved by the order dated 29.02.2020 passed in Ex.Case No.21/2019 by the I Additional Principal Judge, Family Court, D.K., Mangaluru, the petitioner/wife is before this Court.

2. The parties are referred to as husband and wife for the sake of convenience.

3. The husband had filed M.C.No.57/2017 seeking dissolution of marriage, and the wife had filed a counterclaim seeking restitution of conjugal rights. The Family Court had dismissed the husband's M.C. and allowed the wife's counterclaim for restitution of conjugal rights, observing that if the husband fails to restore conjugal rights or the marital relationship to the wife within 2 months, the husband is directed to pay maintenance of Rs.20,000/- per month to the wife from the date of the order until the wife's death or remarriage. The wife had filed Ex.Case No.21/2019 seeking direction to the husband to pay arrears to the wife. The executing Court, by the impugned order, had dismissed the execution petition filed by the wife.



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4. While dismissing the execution petition, the executing Court observed that in the affidavit filed by the husband, it is stated that he had visited the wife's house on 04.08.2019, that he was ready and willing to comply with all the terms of the order, and he called the wife to join him immediately upon receipt of the legal notice. On 19.08.2019, the wife's counsel issued a reply to the said notice, which is produced by the husband. In the said reply notice, she denied that the husband had visited the wife as mentioned in the notice and also denied that he was not ready and willing to comply with the terms of the order. Again, the husband's counsel gave notice to the wife dated 28.08.2019. In that notice, it was also stated that the husband was ready to comply with the court order and to perform the marital obligations. Both the wife and the husband were present on the date of hearing. The husband submitted to the Court that he had complied with the order of the Court and requested the wife to join him to lead marital life. But the wife was not ready to join him.

5. It is further observed that, upon inquiry, it is very clear that the wife herself is not ready to join the husband. It is



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observed that, in her affidavit, the wife stated that she is ready to go with the husband and lead marital life. But when the Court questioned the wife, she straight away refused to join the husband and to lead marital life with him. Therefore, it is very clear that the husband has complied with the order of the Court and, within two months from the date of the order, has made all attempts to reconstitute the conjugal rights and lead marital life. But the wife herself is not ready to join him. Accordingly, the Family Court rejected the execution petition.

6. Learned counsel appearing for the petitioner/wife submits that the executing Court has failed to consider the execution case with proper perspective and, without even considering the fact that the wife is ready to join the husband, has dismissed the execution petition.

7. There is no representation on behalf of the respondent/husband.

8. Having heard the learned counsel for the petitioner, perused the material on record. The Family Court dismissed the M.C. filed by the husband seeking dissolution of marriage and allowed the counterclaim filed by the wife seeking restitution of



conjugal rights. However, the condition imposed was that within two months he had to take her back, or else he had to pay Rs.20,000/- per month. It is the husband's case that he has requested the wife and also issued a legal notice. The wife has denied the initial notice. Then another notice was issued. The executing Court also observed that before the Court she had refused to join the husband. In those circumstances, the decree cannot be executed, and the wife herself has failed to join the husband. The trial Court rightly dismissed the application, and this Court finds no reason to interfere. Hence, this Court is passing the following order:

ORDER

- i. Accordingly, the writ petition is ***dismissed***.
- ii. All I.As. in this petition shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE