



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JUNE, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

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

MISCELLANEOUS FIRST APPEAL NO. 9524 OF 2018 (FC)

BETWEEN:

1. SRI. T. V. ASWIN KUMAR
AGED ABOUT 40 YEARS,
S/O. P. VENKATESAN,
C/O. SRI. SHANKAR MAHALINGAM,
R/AT #74, DURAIRAJ LANE,
1ST FLOOR, PAZHAVANTHANGAL,
CHENNAI-600 114.

...APPELLANT

(BY MS. KUMARI ASHA SHETTY, AND MS GAYATHRI,
ADVOCATE)

AND:

1. SMT. VASUDHA
AGED ABOUT 37 YEARS,
D/O. K. SIVASUBRAMANIAN,
R/AT FLAT NO. 308,
LAKSHYA SAI,
NISARGA APARTMENTS,
MARUTHINAGAR,
MALLESHPALYA MAIN ROAD,
BENGLAURU-560 075.

...RESPONDENT

(BY SRI. ARUN COVINDRAJ., ADVOCATE)

THIS MFA IS FILED U/S 19(1) OF FC ACT AGAINST THE
JUDGMENT AND DECREE DATED:18.09.2017 PASSED IN MVC
NO. 5490/2015 ON THE FILE OF THE III ADDITIONAL PRL.
JUDGE, FAMILY COURT, BENGALURU, ALLOWING THE



PETITION FILED UNDER SECTION 13(1)(ia) OF HINDU MARRIAGE ACT.

THIS APPEAL, 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 D K SINGH)

The present appeal has been filed by the appellant-husband against the judgment and decree dated 18.09.2017 passed by the Court of III Additional Principal Judge, Family Court, Bengaluru in M.C.No.5490/2015, instituted by the respondent-wife seeking decree of divorce under Section 13(1) (ia) of the Hindu Marriage Act, 1955, for dissolution of marriage with the appellant-husband, which was solemnized on 28.10.2012.

2. After the marriage, the respondent-wife had shifted to Chennai and continued to work for IBM. Soon after the marriage, marital discord surfaced. The respondent-wife being unable to cope up with the daily bickering in the marital life, filed the petition under Section 13(1) (ia) of the Hindu Marriage Act seeking decree of divorce to dissolve their marriage.



3. The Family Court on the basis of the pleadings framed the following points for consideration:

i. Whether the petitioner proves that the respondent has treated her with cruelty as such, she is entitled for divorce under Section 13(1)(ia) of the Hindu Marriage Act as prayed for?

ii. Whether the petitioner proves that she is entitled for the protection order against the respondent as prayed in I.A.No.2?

iii. What order?

4. On the basis of the evidence led by the parties, the Family Court has recorded that the respondent-wife was treated with cruelty and therefore, she was entitled to divorce under Section 13(1) (ia) of the Hindu Marriage Act.

5. The appellant-husband, who appeared in person, did not even tender his own evidence nor were other witnesses examined or any documents were produced. The Family Court, therefore, on the basis of the evidence led by the respondent including her oral testimony and the documentary evidence has come to the conclusion that the appellant-husband had treated



the respondent-wife with cruelty and therefore, she was entitled to the decree of divorce.

6. We find no reason to interfere with the impugned judgment and decree and this appeal has remained pending on the file of this Court for eight long years. We, therefore, dismiss this appeal and affirm the judgment and decree passed by the Family Court.

No costs.

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

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