

RESERVED ON : 17.04.2026

PRONOUNCED ON : 10.07.2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF JULY, 2026

PRESENT

THE HON'BLE MR. JUSTICE JAYANT BANERJI

AND

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

MISCELLANEOUS FIRST APPEAL NO. 9717 OF 2018 (FC)

BETWEEN:

MRS. BEENA KUMAR BHARDWAJ,
W/O MR. ANIL KUMAR BHARDWAJ,
AGED ABOUT 50 YEARS,
RESIDING AT No.1, 4TH A CROSS,
KALYANANANGAR 2ND BLOCK,
HRBR LAYOUT,
BANGALORE - 560 043.

...APPELLANT

(BY SRI.VENKATESH R. ARBATTI, ADVOCATE FOR
SRI. K.S. HARISH, ADVOCATE)

AND:

MR. ANIL KUMAR,
S/O K. KUMAR,
AGED ABOUT 49 YEARS,
RESIDING AT:
C/O MOTOR BAY AUTOMOTIVES,
HORAMVU VILLAGE,
NEXT TO SBT BANK,
KALYANA NAGAR POST
BANGALORE - 560 043.

...RESPONDENT

(BY SRI. NARENDRA BABU B K., ADVOCATE)

THIS MFA IS FILED UNDER SECTION 19(1) FAMILY COURT ACT, READ WITH ORDER XLI OF THE CODE OF CIVIL PROCEDURE, 1908, AGAINST THE JUDGMENT AND DECREE DATED:27.08.2018 PASSED ON MC NO.820/2012 ON THE FILE OF THE III ADDITIONAL PRINCIPAL JUDGE, FAMILY COURT, BENGALURU, ALLOWING THE PETITION FILED U/S.13(1)(ia) OF HINDU MARRIAGE ACT 1955.

THIS APPEAL HAVING BEEN RESERVED FOR JUDGMENT COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT DELIVERED/ PRONOUNCED AS UNDER:

CORAM: HON'BLE MR. JUSTICE JAYANT BANERJI
and
HON'BLE MR. JUSTICE T.M.NADAF

CAV JUDGMENT

(PER: HON'BLE MR. JUSTICE T.M.NADAF)

This appeal under Section 19(1) of Family Court Act, 1964 r/w Order XLI of the Code of Civil Procedure, 1908 by the wife, assailing the judgment and decree dated 27.08.2018 in M.C.No.820/2012 passed by the III Additional Principal Judge, Family Court, at Bengaluru¹. By means of judgment and decree, the Family Court allowed the petition filed by the petitioner under Section 13(1)(ia)

¹ "Family Court for short"

and dissolved the marriage between the husband and wife solemnized on 06.11.2000. Further the Family Court directed the petitioner-husband to pay a sum of Rs.10,00,000 (Rupees Ten Lakhs only) to the respondent towards her permanent alimony within 60 days from the date of order.

2. Parties are referred to as per their ranking before the Family Court.

3. Facts germane to file this present appeal are as under:

As per the Petition:

4. The petitioner and respondent were husband and wife. Their marriage was solemnized on 06.11.2000 at Army Club on Mahatma Gandhi Road, Bengaluru as per the Hindu Rites and Customs. A female child was born from the wedlock named Methila Kumar. The respondent-wife was very adamant and never co-operated with the petitioner or his family members, she used to pick up quarrels with the petitioner and his family members and even insisted the petitioner that he should not look after

his parents and the mother of the petitioner should register the property in her name. She is always interested only in monetary benefit and never performed any marital obligations.

4.1 The father of the petitioner is a retired Army Colonel and mother is a Doctor. The respondent-wife used to degrade the petitioner in front of his relatives and never used to respect the petitioner and always used to insult him. She never indulged herself in household work. She was suffering from Psoriasis and even she was on treatment.

4.2 The respondent-wife has filed frivolous criminal complaints against the petitioner and his family members frequently one after another. In several cases, charge sheet have been filed and lastly ended in acquittal. She also filed case against the petitioner alleging that he was having illicit relationship with one Pankaja with the police. The police after investigation filed 'B' report. Though she was given all lifestyles as she wanted to lead in the

matrimonial home, despite the same, the respondent-wife indulged in filing criminal cases against the petitioner-husband and his family members.

4.3 the respondent-wife is residing along with the parents of the petitioner in the residence belonging to the father of the petitioner. The irrational behaviour and conduct of the respondent-wife made the father-in-law to file a suit seeking for eviction of both petitioner as well as respondent-wife. She is only interested in filing cases under the provisions for the protection of women and extracting money in which she has succeeded. All these acts of the respondent-wife constitute cruelty both physical as well as mental on the petitioner and his parents, which made him to file petition seeking for divorce in M.C.No.820/2012.

4.4 The respondent on receipt of notice appeared and filed her statement of objections, admitting the marriage and birth of the child, however, denied all

other averments made in the petition. It was her case that the petitioner-husband neglected her as well as the child totally and not co-operating to lead a marital life. He is having illicit relationship with one Pankaja and that is the reason he is even residing apart from the respondent-wife in a garage, wherein he is working and that is the reason for the respondent-wife to file case under the DV Act seeking maintenance to her and her child.

4.5 The Family Court after considering the case in Crl.Misc.No.81/2002, awarded maintenance to the respondent-wife as well as child and also directed the petitioner-husband to pay Rs.25,000/- per year towards educational expenses, if the father of the petitioner who is taking care of the child stops payment of amount towards school fees. The Family Court further directed the petitioner-husband to pay a sum of Rs.5,000/- towards monthly rent, in case if the wife is evicted from the present premises and Rs.10,000/- towards maintenance. It was her

further case that all her dreams of happy married life shattered and broken within a span of 12 years from the date of marriage. Despite birth of the female child, there is no improvement in the conduct and character of the petitioner-husband. It is the petitioner-husband who is causing cruelty and torture on the respondent-wife rather the respondent-wife, as alleged in the petition.

4.6 The respondent-wife has filed an application seeking interim maintenance under Section 24 of the Hindu Marriage Act, 1955 and sought to dismiss the petition on both the grounds and sought to allow the application, directing the petitioner-husband to pay alimony to her and the child.

4.7 The Family Court after completion of the pleadings framed the following points for consideration:

"1. Whether the petitioner proves that he has been subjected to cruelty by respondent, hence, his marriage solemnized with the respondent on 6.11.2000 at Army club on

Mahatma Gandhi Road, Bengaluru, is liable to be dissolved?

2. *Whether the petitioner proves that, she is entitled for interim maintenance of Rs.40,000/- and litigation expenses of Rs.1,00,000/- as pleaded in IA No.7?*

3. *What order?"*

4.8 The petitioner-husband, in order to prove his case examined himself as PW-1 and produced 14 documents and marked the same as Exs-P1 to P14. Respondent examined as RW-1 and produced two photographs as Ex-R1 and R2.

4.9 The Family Court, after considering and appreciating the evidence both oral and documentary, answered Point No.1 in affirmative and Point No.2 in favour of the respondent-wife granting permanent alimony of Rs.10,00,000/- and dissolved the marriage between the petitioner and respondent performed on 06.11.2000. The Family Court reasoned its order, more fully in paragraph No.18, which reads as under:

"18. *To prove the above allegations, the petitioner has produced*

copy of FIR in Crime No.196/2012 on the file of Banaswadi Police station as per Ex.P7, copy of complaint lodged by the respondent before DG and IGP of Karnataka as per Ex.P8, copy of complaint submitted to Banaswadi as per Ex.P9 and copy of FIR in Cr.No.87/2012 on the file of Pulikeshinagar police station Bengaluru. The above documents indicate that the respondent has foisted several cases against the petitioner and his parents. The petitioner has also produced the copy of judgment in CC.No.50662/2013 on the file of 11th ACMM Bengaluru as per Ex.P16. The contents of the said judgment disclose that the dowry harassment case filed by the respondent against the petitioner and his parents and two others was ended in acquittal of the said people vide judgment dated 2.8.2016 by holding that the guilt of the petitioner and others was not proved beyond all reasonable doubt. The respondent has not produced any contra evidence to disprove the above allegations. Therefore, it is very clear that the petitioner has succeeded in proving that he was subjected to cruelty by the respondent."

4.10 However, the Family Court found that the respondent-wife is living apart and both the parties have no communication between each other due to intervention of one lady by name Pankaja. The Family Court has also taken exception to the stand of the petitioner-husband that she was just a colleague in the office and there was no such relationship as alleged by the respondent-wife on the premise that, the petitioner has not examined the said lady before the Court to substantiate his claim. Further, observed that, the photographs produced by the respondent-wife speak itself that the relationship between petitioner and said Pankaja is not that of colleague, perhaps something else.

4.11 The Family Court has considered this is an excuse and reason for the respondent-wife to live apart. Further considering the fact that the respondent-wife is residing along with her father-in-law in the residence belonging to the father-in-law and he is taking care of child's education, while granting

decree of divorce dissolving the marriage solemnized between the petitioner-husband and respondent-wife, the Family Court directed the petitioner-husband to pay a sum of Rs.10,00,000/- towards permanent alimony. It is this judgment and decree passed by the Family Court is called in question in this present appeal.

5. Heard Sri.Venkatesh R.Arbatti, learned counsel for Sri.K.S.Harish, learned counsel for appellant and Sri.Narendra Babu B.K, learned counsel for respondent.

6. Sri.Venkatesh R.Arbatti, with all vehemence submits that the Family Court, despite recording the reasoning that, the illicit relationship of the petitioner-husband with a lady by name Pankaja, is reason for the deterioration of marital relationship between the petitioner-husband and respondent-wife and the petitioner-husband has totally neglected both the wife and child and they are at the mercy of the father-in-law, the Family Court proceeded to grant divorce on the ground of cruelty. However, he stressed more on the permanent

alimony granted towards the respondent-wife. A sum of Rs.10,00,000/- in this present time with shooting prices in essential commodities and basic necessities of life and the downfall of Indian currency, the sum awarded is very meagre. The respondent-wife is now aged about 58 years and requires amount for her sustenance, which includes food, clothing, better life as per the status of the husband as well as medicines and sought to allow the appeal, set aside the decree of divorce and enhance the permanent alimony granted.

7. Whereas Sri.Narendra Babu, learned counsel appearing for the respondent-wife submits that the Family Court having considered the conduct of the respondent-wife in lodging frivolous cases against the petitioner-husband and his family members made them to run after the Court and face an ordeal trial, ultimately ended in acquittal found that the said conduct is more than sufficient to come to a conclusion that the respondent-wife has caused cruelty towards the husband as well as his

family members, which is more fully described in paragraph No.18 of the judgment.

8. It is contended that so far as permanent alimony is concerned now, the petitioner-husband is under obligation of making payment of Rs.15,000/- towards maintenance and rent and Rs.25,000/- towards educational expenses of the child, that would come to Rs.40,000/- every month. In that circumstances a sum of Rs.10,00,000/- awarded is just and proper and does not require for any consideration at the hands of this Court and sought to dismiss the appeal in its entirety.

9. We having heard the rival submissions perused the appeal papers as well as trial Court record.

10. The marriage between the petitioner-husband and respondent-wife was performed on 06.11.2000. Within a period of 12 years there are so much disturbances leading discordial marital life and despite the birth of the child the same was not resolved and both the parties are fighting each other in several civil as well as

criminal cases. It was further allegations of the respondent-wife that she has undergone miscarriage of her child and the mother-in-law being a Doctor has not taken any care, instead she locked her in a room and beaten her black and blue.

11. It is admitted fact that the criminal cases filed by the respondent-wife ended in acquittal and some criminal complaints filed ended in filing of 'B' report. This aspect has been considered by the Family Court, at paragraph No.18, while reasoning that the conduct of the respondent-wife in filing frivolous criminal cases amounts cruelty against the petitioner-husband.

12. As beautifully quoted in the words of **Barbara De Angelis** an American consultant and Lecturer,

"Marriage is not a noun; it's a verb. It isn't something you get. It's something you do. It's the way you love your partner every day."

13. Given the facts of the case, we find no inference in the judgment and decree passed by the Family Court, in granting decree of divorce. However, the Family Court

awarded a sum of Rs.10,00,000/- towards permanent alimony. We cannot accept the arguments of learned counsel for the petitioner-husband that he has been made to pay a sum of Rs.40,000/- every month and as such the permanent alimony of Rs.10,00,000/- is just and proper, the reason being a sum of Rs.5,000/- towards rent and Rs.25,000/- towards educational expenses are required to be paid only under the circumstances, if the wife has been evicted from the premises where she is residing at present as well as only on the count that if the father-in-law stops paying educational fees of the child. As per the admitted facts, the wife is now residing along with her father-in-law and father-in-law is taking care of educational expenses. Even as per the Affidavit filed disclosing the assets and liabilities at page No.2, under the heading 'B' - "Details of Legal Proceedings and Maintenance being paid", the respondent has admitted that he is paying only Rs.15,000/- to the wife and the entire school fee of his daughter is being paid by his father and sister.

14. In that eventuality, we are of the considered opinion that after taking into consideration of shooting hike and rocket speed of prices of the essential commodities and basic amenities, if a sum of Rs.20,00,000/- (Rupees Twenty Lakhs only) is directed to be paid as permanent alimony towards the respondent-wife, would meet the ends of justice.

15. The petitioner-husband is under the obligation to pay maintenance of Rs.15,000/- continuously to the child. He is further under obligation to pay Rs.25,000/- towards the educational expenses, if the father of the petitioner stops paying the education fees of the child. The petitioner-husband is also under legal obligation to perform the marriage of his girl child, when she attains marriageable age. As per the petition averments, the child was 6.5 years as on 2012, now we are in 2026, as such the child is now between 20-21 years of age. The petitioner is under the obligation to pay all the educational expenses of the child and perform her marriage.

16. Though the appeal has been filed challenging the decree of divorce, however, the grounds raised in the appeal memorandum and the arguments advanced by the learned counsel appearing for the respondent-wife are more or less on the permanent alimony. Both the husband and wife are residing apart since 2012 and there is no resumption of co-habitation between them. For the last 14 years they are living apart. In these circumstances there is nothing more remained between them to reconcile and reunite as the marital tie has become meaningless and dead for all purposes.

17. In these circumstances, even if the order of dissolution of marriage is set aside, nothing would change between the parties as the entire relationship between them has been strained and drained. In that view of the matter, we while confirming the decree of divorce ***allow this appeal in part*** with modification in permanent alimony at the rate of Rs.20,00,000/- (Rupees Twenty Lakhs only) which shall be paid/deposited within a period of four months in four equal installments by the petitioner-

husband in favour of respondent-wife and with other directions regarding monthly maintenance of Rs.15,000/- towards rent and Rs.25,000/- towards educational expenses in the event that the same is not paid by the father of the petitioner as stated afore. However, no order as to costs.

**Sd/-
(JAYANT BANERJI)
JUDGE**

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

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