



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

WRIT PETITION NO.11244 OF 2026 (GM-FC)

BETWEEN:

MR. MANU. A. S.
S/O A.M SHIVASWAMY
AGED ABOUT 27 YEARS
PLUMBING CONTRACTOR
AS MENTIONED BY WIFE BUT HE IS A
PLUMBING EMPLOYEE
R/A SRI. KANIVE RUDRESHWARA NILAYA
FLORA ENCLAVE LAYOUT, ISIRI ROAD,
NEAR STEPPING STONE SCHOOL JYOTHINAGARA
POST, CHIKMAGALURU
PIN – 577 101, MOB 7019479221

...PETITIONER

(BY SRI. MALATESH H., ADVOCATE)

AND:

SMT. H. U. AISHWARYA
W/O MANU A.S,
AGED 23 YEARS
R/O ARADAVALLI VILLAGE
MUGULAVALLI POST,
CHIKMAGALURU TQ
PIN: 577101, MOB: 76769532

...RESPONDENT

Digitally signed
by
VIJAYALAKSHMI
B N

Location: HIGH
COURT OF
KARNATAKA

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE
CONSTITUTION OF INDIA PRAYING TO DIRECT THE PRL.
JUDGE FAMILY COURT, AT CHIKMAGALURU TO DISPOSE OF
THE PETITION FILED BY MUTUAL CONSENT FOR THE DIVORCE
IN M.C NO.187/2025 PENDING IN PRL. FAMILY COURT AT
CHIKMAGALURU, PRODUCED AS ANNEXURE-K, AS EARLY AS



POSSIBLE, AND DIRECT THE RESPONDENT/WIFE TO OBEY THE TERMS AND CONDITION OF THE JOINT MEMO DATED 16-10-2025 FILED IN CRL.MISC. NO.120/2025 BEFORE THE FAMILY COURT AT CHIKMAGALURU, PRODUCED AS ANNEXURE-A AND ETC

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

CORAM: HON'BLE DR. JUSTICE K.MANMADHA RAO

ORAL ORDER

Heard learned counsel for the petitioner.

2. This writ petition is filed seeking a direction to the Court of Principal Judge, Family Court at Chikkamagaluru (hereinafter referred to as the 'Family Court') to dispose of M.C.No.187/2025, which is pending on its file time bound and also to direct the respondent/wife to obey the terms and conditions of the Joint Memo in Crl.Misc.No.120/2025 dated 16.10.2025 on the file of the Principal Judge, Family Court at Chikkamagaluru. The Joint Memo reads as under:

"1) The Petitioner and The Respondent have agreed to get dissolve their marriage on mutual consent.

2) The Respondent is agreed to pay Rs.12,50,000/- as permanent alimony to the petitioner. The



Petitioner agreed for the same and she undertakes that she will not clam any further claim from the Respondent in future in any change of circumstances.

3) The Petitioner undertakes to withdraw the criminal cases filed against the Respondent and his parents.

4) Today the Respondent paid Rs.5,00,000/- to the Petitioner and the Respondent undertakes to deposit remaining amount of Rs.7,50,000/- before this court and same can be released in favour of the Petitioner after the disposal/withdrawal of criminal case filed against the Respondent and his parents including the case bearing No.1189/2023. If the respondent is failed to pay the above settled amount, the petitioner is at liberty to recover the said amount by filing Crl Misc or Execution Petition.

5) The Petitioner is residing in the house belongs to the mother of the Respondent, the Petitioner shall hand over the possession/key of the said house in favour of the mother of the respondent on or before 31.01.2026. If the Petitioner is failed to handover the possession of the house, the mother of the Respondent is at liberty to evict the respondent with due process of law or by filing case against the Petitioner, without issuing any prior notice as per the Rent Act.

6) The Petitioner shall handover the possession of the house as its earlier state to the mother of the Respondent. The Petitioner is at liberty to take her belongings but not the respondent's household things.

7) There is no further claim and counter claims, this will be the full and final settlement.



8) The petitioner and respondent undertake that they will not file any criminal cases against each other in future”.

3. On 28.10.2025 both the petitioner and the respondent filed M.C.No.187/2025 under Section 13B of the Hindu Marriage Act, 1955 for divorce by mutual consent, which is pending on the file of the Principal Judge, Family Court at Chikkamagaluru.

4. Learned counsel for the petitioner submits that the petitioner is the husband of the respondent. It is submitted that both the parties have ended their dispute as per the terms and conditions of the joint memo (*supra*), but the respondent/wife is not vacating the house which belongs to the parents of the petitioner/husband as agreed in the joint memo and she is also pressurizing the Family Court to release the deposited amount of Rs.7,50,000/- without obeying the terms and conditions of the joint memo. It is further submitted that the wife is asking unlawful demands after signing the joint memo for divorce



by mutual consent. Being aggrieved by the same, the husband is before the Court.

5. Record discloses justification in the submission that is made by learned counsel for the petitioner. Therefore, this Court considers desirable to dispose of the writ petition and give directions. Hence, the following:

ORDER

- (i) Writ petition is ***disposed of***.
- (ii) The Principal Judge, Family Court, Chikkamagaluru is directed to take all steps for disposal of M.C.No.187/2025 time bound preferably ***as expeditiously as possible***.
- iii) The respondent/wife is directed to obey the terms and conditions of the Joint Memo filed in CrI.Misc.No.120/2025 dated 16.10.2025 on the file of the Principal Judge, Family Court, Chikkamagaluru.
- (iv) This Court is not issuing the notice to the respondent as no adverse orders are



passed and disposed of the petition is in the interest of both the parties.

- (v) As the writ petition is disposed of without notice to respondent, Family Court is directed to serve copy of this order to respondent so as to give notice to respondent, about filing of this petition and its disposal.
- (vi) Registry to forward copy of this order to the concerned Court forthwith.

SD/-
(DR.K.MANMADHA RAO)
JUDGE

GSR
List No.: 1 Sl No.: 34