



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF APRIL, 2026

BEFORE

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

WRIT PETITION NO. 12815 OF 2026 (GM-FC)

BETWEEN:

SMT M R KAVYA KUSUMA
W/O SRI. R. HARISH
AGED ABOUT 34 YEARS,
R/AT NO. 114, ASHWINI NILAYA,
MOUNT FORD SCHOOL ROAD,
KURUDU SONNENAHALLI ROAD,
MEDAHALLI,
VIRGO NAGAR POST,
BENGALURU 560 049.

...PETITIONER

(BY SRI. L VENKATARAMA REDDY, ADVOCATE)

AND:

SRI R HARISH
S/O M.N. RAMAIAH
R/AT NO. 19, 10TH CROSS,
2ND BLOCK, AKSHAYA NAGAR,
RAMAMURTHY NAGAR,
BENGALURU 560 016.

...RESPONDENT

(BY SRI.L.MAHESH, ADVOCATE)

Digitally signed
by
VIJAYALAKSHMI
B N
Location: HIGH
COURT OF
KARNATAKA





THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE AN ORDER, DIRECTION OR WRIT IN THE NATURE OF CERTIORARI QUASHING THE ORDER DATED 11.03.2026 IN M.C.NO. 123/2018 PASSED BY THE COURT OF V ADDITIONAL PRINCIPAL JUDGE, FAMILY COURT, BENGALURU PRODUCED AT ANNEXURE-A AND ETC.

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

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

ORAL ORDER

The petitioner is before this Court being aggrieved by the order dated 11.03.2026 passed in M.C No.123/2018 by the V Additional Principal Judge, Family Court, Bengaluru.

Facts of the case:

2. The respondent herein filed a petition in M.C No.123/2018 for restitution of conjugal rights before the



Family Court. The petitioner contested the said petition by filing her statement of objections. At the stage of evidence, the petitioner was not provided an opportunity to lead evidence or cross-examine P.W.1. Therefore, the petitioner filed applications in I.A Nos.8 and 9 seeking to recall the order dated 07.11.2025 and to recall P.W.1 permitting to cross-examine P.W.1. On 11.03.2026, the Family Court rejected the said applications. Aggrieved by the same, the petitioner is before this Court.

3. Learned counsel for the petitioner submitted that the petitioner being dissatisfied with her previous counsel, she engaged new counsel to represent her in the matter. It is submitted that, on 13.01.2026, learned counsel sought an adjournment to lead evidence in the matter. However, the Family Court declined the request, closed the petitioner's side, and recorded her evidence as 'NIL'. Consequently, the petitioner was constrained to file the aforementioned applications. Therefore, the learned counsel for the petitioner prays to allow the petition.



4. Learned counsel for the respondent submitted that no sufficient reasons were assigned in the affidavits to allow the applications. He contended that despite granting several adjournments, the petitioner failed to cross-examine P.W.1 leading the Family Court to close the petitioner's side. It is further submitted that the present applications were filed when the matter was posted for arguments, therefore, the learned counsel for the respondent prays to dismiss the petition.

5. Considering the submissions of learned counsel for the petitioner as well as the respondent and upon perusing the impugned order, this Court is of the opinion that an opportunity should be granted to the petitioner to lead her evidence, subject to the payment of costs of Rs.20,000/-.

7. The matter is remitted back to the Family Court for fresh consideration of applications filed by the



petitioner and pass appropriate order in accordance with law

8. Accordingly, I proceed to pass the following:-

ORDER

- i. The writ petition is ***allowed.***
- ii. The order dated 11.03.2026 passed by the V Additional Principal Judge, Family Court, Bengaluru in M.C No.123/2018, is set aside.
- iii. The matter is remanded back to the Family Court to consider the applications afresh and to pass appropriate orders in accordance with law.
- iv. Cost of Rs.2,000/- shall be paid by the wife to the Advocates' Welfare Fund, and file a memo along with proof before the Family Court.
- v. Parties shall not seek any adjournments and should co-operate with the Court in disposal of the matter time bound.



- vi. Both parties are directed to appear either in person or through their respective counsels before the Family Court on **20.05.2026** without further notice.

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