

MFA No. 4663 of 2023

C/W

MFA No.4440 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF JANUARY, 2026

PRESENT

THE HON'BLE MR. JUSTICE JAYANT BANERJI

AND

THE HON'BLE MR. JUSTICE UMESH M ADIGA

MISCELLANEOUS FIRST APPEAL NO. 4663 OF 2023 (FC)

C/W

MISCELLANEOUS FIRST APPEAL NO. 4440 OF 2023 (FC)

IN MFA NO.4663/2023

BETWEEN:

SRI.JAGDEEP L. REDDY,
S/O G.R.LAKSHMIPATHI REDDY,
AGED ABOUT 39 YEARS,
RESIDING AT NO.2,
NTI LAYOUT, 1ST MAIN ROAD,
RMV 2ND STAGE, DOLLARS COLONY,
BENGALURU-560 094.

(REPRESENTED BY G.P.A HOLDER)
G.HEMALATHA,
W/O G.R.LAKSHMIPATHI REDDY,
RESIDING AT NO.2, NTI LAYOUT,
1ST MAIN ROAD, RMV 2ND STAGE,
DOLLARS COLONY,
BENGALURU-560 094.

...APPELLANT

(BY SMT.SUSHEELA.S., SENIOR COUNSEL FOR
SMT.DHANALAKSHMI Y., ADVOCATE)

AND:

SMT. NEELIMAKALLUR,
W/O JAGDEEP L. REDDY,
D/O SUDHAKAR REDDY,
AGED ABOUT 36 YEARS,

MFA No. 4663 of 2023
C/W
MFA No.4440 of 2023

RESIDING AT NO.287,
3RD 'A' CROSS, 2ND BLOCK,
3RD STAGE, BASAVESHWARANAGAR,
BENGALURU-560 009.

...RESPONDENT

(BY SRI.RAMANA M.V.V., ADVOCATE
FOR SRI.K.A.CHANDRASHEKARA (VC))

THIS MFA IS FILED U/S 19(1) OF FAMILY COURTS ACT,
AGAINST THE JUDGMENT AND DECREE DATED 13.03.2023
PASSED IN M.C.NO.4402/2017 ON THE FILE OF THE III
ADDITIONAL PRL. JUDGE, FAMILY COURT, BENGALURU,
DISMISSING THE PETITION FILED UNDER SECTION 13(1)(IA)
OF THE HINDU MARRIAGE ACT, ACTING U/SEC. 13-A OF
HINDU MARRIAGE ACT, ORDERED FOR JUDICIAL SEPARATION
FOR A PERIOD OF ONE YEAR.

IN MFA NO.4440/2023:

BETWEEN:

SMT. NEELIMA KALLUR,
W/O SRI.JAGADEEP L. REDDY,
D/O SUDHAKAR REDDY,
AGED ABOUT 36 YEARS,
NO.287, 3RD 'A' CROSS, 2ND BLOCK,
3RD STAGE, BASAVESHWARANAGARA,
BENGALURU-560 009.
REPRESENTED THROUGH HER

SPECIAL POWER OF ATTORNEY HOLDER
SRI.K.R.SUDHAKAR REDDY

...APPELLANT

(BY SRI.RAMANA M.V.V., ADVOCATE
FOR SRI.K.A.CHANDRASHEKARA (VC))

AND:

JAGDEEP L. REDDY,
S/O G.R.LAKSHMIPATHI REDDY,
AGED ABOUT 39 YEARS,

RESIDING AT NO.2,
NTI LAYOUT, 1ST MAIN,
RMV 2ND STAGE,
DOLLARS COLONY,
BENGALURU-560 094.

...RESPONDENT

(BY SMT.SUSHEELA.S., SENIOR COUNSEL FOR
SMT.DHANALAKSHMI Y., ADVOCATE)

THIS MFA IS FILED UNDER SECTION 19(1) OF FAMILY COURT ACT, AGAINST THE JUDGMENT AND DECREE DATED 13.03.2023 PASSED IN M.C.NO.4402/2017 ON THE FILE OF THE III ADDITIONAL PRINCIPAL JUDGE, FAMILY COURT, BENGALURU, DISMISSING THE PETITION FILED UNDER SECTION 13(1)(IA) OF THE HINDU MARRIAGE ACT.

THESE APPEALS HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 25.10.2025, COMING ON FOR PRONOUNCEMENT OF JUDGMENT THIS DAY, **JAYANT BANERJI J.**, DELIVERED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE JAYANT BANERJI
AND
HON'BLE MR. JUSTICE UMESH M ADIGA

CAV JUDGMENT

(PER: HON'BLE MR. JUSTICE JAYANT BANERJI)

This is an appeal filed by the husband under Section 19(1) of the Family Courts Act, 1984¹ aggrieved by the judgment and decree dated 13.03.2023, by the III Additional Principal Judge, Family Court at Bengaluru in M.C.No.4402/2017, dismissing the petition filed by the

¹ Act, 1984

appellant under Section 13(1) (i-a) of Hindu Marriage Act, 1955² for divorce.

2. The appellant and respondent are husband and wife, who got married on 23.05.2013 and thereafter they started living together at their matrimonial home in Bengaluru along with the parents of the petitioner. The appellant is a qualified Engineer with Masters' degree and is the only son of his parents. He had informed the respondent that he had joined employment in United States of America³ only to gain some experience and his firm intention was to live with his parents and that he would return to India and stay with his parents. On the respondent agreeing to these terms, they got married. The parties left for USA in June 2013. They have a son born on 25.03.2015, who is stated to be under the custody of respondent at present. Several allegations have been made by the appellant against the respondent.

3. The facts of the case pleaded by the respondent in her statement of objections before the Family court have also been narrated. However, the Family Court granted a different

² Act, 1955

³ USA

prayer than what was sought, that is to say, the petition under Section 13(1) (i-a) of the Act, 1955 was dismissed, but, under Section 13A of the Act, 1955 the Family Court ordered judicial separation for a period of one year. Against the aforesaid judgment and decree dated 13.03.2023, the instant appeal has been filed. Various grounds have been raised in the instant appeal.

4. However by means of an application bearing I.A.No.1/2025 dated 27.02.2025 filed under Section 151 of the Code of Civil Procedure, 1908⁴ read with Section 10 of the Family Courts Act, 1984 appellant states that since a final decree of divorce has been passed by the District Court, 247th Judicial District Harris County, State of Texas, USA, in case No.2024-25984, therefore, the present appeal be disposed of by granting a decree of dissolution of marriage by dissolving their marriage dated 23.05.2013, which was registered on the same day before the Registrar of Marriage. The aforesaid I.A. is supported by an affidavit of the GPA holder of the appellant

⁴ CPC

enclosing therewith a copy of the "Agreed Final Decree of Divorce⁵" dated 24.01.2025.

5. At the time of hearing, learned counsel for the appellant has submitted a copy of the aforesaid AFDD passed by the District Court, 247th Judicial District Harris County, Texas, USA in case No.2024 - 25984 and signed by the Presiding Judge on 24.01.2025, which is supported by certificate issued by the District Clerk of Harris County, Texas, certifying the accompanying decree to be a true and correct copy of the original record, filed and recorded in her office dated 08.04.2025. This certified copy is made part of the record.

6. An extract of the aforesaid AFDD reads as follows:-

"AGREED FINAL DECREE OF DIVORCE

On this date, the Court considered the agreement of the parties in this case.

Appearances

Petitioner, JAGADEEP LAKSHMIPATHI REDDY, did not appear in person but has agreed to the terms of this order as evidenced by Petitioner's signature below and the signature of Chikkersha Puvvada, Petitioner's attorney of record, and further through the Declaration filed with the Court on January 3, 2025 for the present requirements regarding prove-up of the Mediated Settlement Agreement.

⁵ AFDD

MFA No. 4663 of 2023
C/W
MFA No.4440 of 2023

Respondent, NEELIMA KALLUR, has made a general appearance and has agreed to the terms of this judgment to the extent permitted by law, as evidenced by Respondent's signature below.

Record

The making of a record of testimony was waived by the parties with the consent of the Court.

Jurisdiction and Domicile

The Court finds that the pleadings of Petitioner are in due form and contain all the allegations, information, and prerequisites required by law. The Court, after receiving evidence, finds that it has jurisdiction of this case and of all the parties and that at least sixty days have elapsed since the date the suit was filed.

The Court further finds that, at the time this suit was filed, Petitioner was domiciled in another state or nation and Respondent had been a domiciliary of Texas for the preceding six-month period and was a resident of the county in which this suit was filed. All persons entitled to citation were properly cited.

Jury

A jury was waived, and questions of fact and of law were submitted to the Court.

Agreement of Parties

The Court finds that the parties have entered into a written agreement as contained in this decree by virtue of having approved this decree as to both form and substance. To the extent permitted by law, the parties stipulate the agreement is enforceable as a contract. The Court approves the agreement of the parties as contained in this Agreed Final Decree of Divorce.

The agreements in this Agreed Final Decree of Divorce were reached in mediation with Frank Freeman. This Agreed Final Decree of Divorce is stipulated to represent a merger of a mediated settlement agreement dated December 23, 2024 between the parties. To the extent there exist any differences between the mediated settlement agreement and this Agreed Final Decree of Divorce, this Agreed Final Decree of Divorce shall control in all instances.

JAGADEEP LAKSHMIPATHI REDDY and NEELIMA KALLUR by mutual consent have agreed for a decree of divorce, dissolving the marriage of JAGADEEP

LAKSHMIPATHI REDDY and NEELIMA KALLUR held on 23.05.2013 at Sri Lakshmi Venkateswara Kalyanamandapa, HBR Layout, and Bangalore. The parties agree that there is no possibility of reconciliation between both parties. And the parties agree that this Agreed Final Decree of Divorce is binding on the both the parties in any court of law including India.

Divorce

The Court finds that Petitioner and Respondent were married on May 23, 2013.

IT IS ORDERED AND DECREED that JAGADEEP LAKSHMIPATHI REDDY, Petitioner, and NEELIMA KALLUR, Respondent, are divorced and that the marriage between them is dissolved on the grounds of insupportability, living apart and abandonment."

7. The decree records observations and directions of the Court regarding the child of the marriage, parenting plan, conservatorship, passports and international travel, possession and access, electronic communication, termination of provisions on remarriage, child support, no retroactive child support, medical & dental support, miscellaneous child support provisions, medical notifications, required information, required notices, warnings, division of marital estate, non-awarded assets and un-assumed liabilities, transfer and delivery of property, injunctive relief, court costs, resolution of temporary orders, discharge from discovery retention requirement, decree acknowledgement, indemnification, clarifying orders and relief not granted.

8. The provisions in the AFDD, 'decree acknowledgement' and 'relief not granted' read as under:-

"Decree acknowledgment

Petitioner, JAGADEEP LAKSHMIPATHI REDDY, and Respondent, NEELIMA KALLUR, each acknowledge that before signing this Agreed Final Decree of Divorce, they have read this Agreed Final Decree of Divorce fully and completely, have had the opportunity to ask any questions regarding the same, and fully understand that the contents of this Agreed Final Decree of Divorce constitute a full and complete resolution of this case. Petitioner and Respondent acknowledge that they have voluntarily affixed their signatures to this Agreed Final decree of Divorce, believing this agreement to be a just and right division of the marital debt and assets, and state that they have not signed by virtue of any coercion, any duress, or any agreement other than those specifically set forth in this Agreed Final Decree of Divorce.

Relief Not Granted

IT IS ORDERED AND DECREED that all relief requested in this case and not expressly granted is denied. This is a final judgment, for which let execution and all writs and processes necessary to enforce this judgment issue. This judgment finally disposes of all claims and all parties and is appealable."

9. As is evident from the aforesaid, the decree of divorce has been passed on the basis of mutual consent between the parties who had entered into a written agreement as contained in the aforesaid AFDD.

10. The learned counsel for the appellant has referred to Section 13 and 14 of the CPC to demonstrate that in the facts and circumstances of the case, the aforesaid AFDD made by the concerned District Court of the 247th Judicial District

Harris County, Texas, USA would be conclusive, on the ground that it has been pronounced by a Court of competent jurisdiction; that it has given on the merits of the case; that it is founded on a correct view of international law and has impliedly recognized the provision of law in India which permits divorce on the ground of mutual consent; that the parties in the proceedings leading upto the AFDD were given due opportunity of hearing and representation; that it has not been obtained by fraud and it does not sustain any claim founded on a breach of any law in force in India.

11. It is noted from the perusal of the AFDD that the issue regarding jurisdiction and domicile has been duly addressed. Further, it is stated that the laws applicable in the State of Texas, pertaining to grant of such divorce do not sustain a claim founded on a breach of law in force in India. It is stated that the parties had entered into a mediated settlement agreement which is permissible under the Family Code in force in State of Texas as provided in Sub- Chapter 'A' of Chapter '6', of subtitle 'C' of title '1' of the Family Code which concerns marriage relationship and therefore the AFDD is conclusive, and a presumption can be validly drawn by this Court under Section 14 of the CPC.

12. Learned counsel for the respondent on the other hand, has referred to the judgment of the Supreme Court in ***Y. Narasimha Rao Vs. Y. Venkata Lakshmi***⁶ with particular reference to paragraph Nos. 14, 15, 16, 20 and 21 thereof to contend that the said decision of the District Court of Harris County, Texas, would not be binding on the Courts of India.

13. However, a perusal of the aforesaid paragraphs in the judgment of ***Y.Narasimha Rao*** (*supra*), we find that the Supreme Court has made observations which are supporting of the case of the appellant. Admittedly, the parties have entered into a written agreement before the Court of competent jurisdiction before which both of them had voluntarily and unconditionally subjected themselves to. There was a mediated settlement as is evident from perusal of the judgment.

14. Moreover the parties before the District Court of Harris County, Texas had agreed to the passing of the decree and the same is not disputed before this Court. Therefore, there is no injustice to the parties and we are constrained to observe, that the stand of the respondent, in the present

⁶ (1991) 3 SCC 451

appeal is uncalled for. Therefore to the extent that the AFDD provides for divorce, property rights, pertaining to division of marital estate, non-awarded assets and non-assumed liabilities, transfer and delivery of property, injunctive relief, Court costs , indemnification are required to be accepted and decreed.

15. For the reasons aforesaid, we **allow** this appeal holding that the judgment/decreed dated 24.01.2025 rendered by the District Court, 247th Judicial District Harris County, Texas, United States of America in the matter of divorce involving ***Jagadeep L. Reddy Vs. Smt. Neelima Kallur*** is conclusive and a copy of which, duly certified has been produced before this Court which copy is not disputed by the respondent.

16. Thus, the marriage dated 23.05.2013 solemnised at "Sri, Lakshmi Venkateshwara Kalyana Mantapa" HRBR Layout, Bengaluru and registered on 23.05.2013 before the Registrar of Marriage, Malleshwaram, Bengaluru in No.MLS- HM49 -2013 - 2014 is dissolved in view of the final decree of divorce passed by the District Court, 247th Judicial District Harris County, Texas, United States of America.

17. A decree is directed to be prepared accordingly, no later than a month from today after ensuring compliance of rules.

18. However, as far as the directions in the AFDD are concerned which pertain to the custody and various rights of the child, it may be pertinent to refer to the decision of the Supreme Court in the case of ***Ruchi Majoo Vs. Sanjeev Majoo***⁷ the Supreme Court has observed as follows:

"47. Recognition of decrees and orders passed by foreign courts remains an eternal dilemma inasmuch as whenever called upon to do so, courts in this country are bound to determine the validity of such decrees and orders keeping in view the provisions of Section 13 of the Code of Civil Procedure, 1908 as amended by the Amendment Acts of 1999 and 2002. The duty of a court exercising its parents patriae jurisdiction as in cases involving custody of minor children is all the more onerous. Welfare of the minor in such cases being the paramount consideration: the court has to approach the issue regarding the validity and enforcement of a foreign decree or order carefully. Simply because a foreign court has taken a particular view on any aspect concerning the welfare of the minor is not enough for the courts in this country to shut out an independent consideration of the matter. Objectivity and not abject surrender is the mantra in such cases. That does not, however, mean that the order passed by a foreign court is not even a factor to be kept in view. But it is one thing to consider the foreign judgment to be conclusive and another to treat it as a factor or consideration that would go into the making of a final decision. Judicial pronouncements on the subject are not on virgin ground. A long line of decisions of the Court has settled the approach to be adopted in such matters. The plentitude of pronouncements also leaves a cleavage in the opinions on certain aspects that need to be settled authoritatively in an appropriate case."

⁷ (2011) 6 SCC 479

19. The child from the marriage was born in the United States of America, and as such may be entitled to citizenship of that Country subject to the prevailing laws of that country. Be that as it may, in the interest and welfare of the minor being paramount, a competent Court in India is entitled and indeed duty bound to examine the matter independently, taking the foreign judgments, if any, only as an input for its final adjudication.

20. As has been held by the Supreme Court in the case of **Jai Prakash Khadria and another Vs. Shyam Sunder Agarwalla and another**⁸, the orders relating to custody of children are by the very nature not final but are interlocutory in nature and subject to modification at any future time upon proof of change of circumstances requiring change of custody but such change in custody must be proved to be in the paramount interest of the child. Therefore, the matter of custody of the minor child can be re-agitated before the appropriate forum in keeping with the judgment of the Supreme Court in **Ruchi Majoo** (*supra*). Till such time as

⁸ AIR 2000 SC 2172

MFA No. 4663 of 2023
C/W
MFA No.4440 of 2023

appropriate proceedings are taken by any of the parties with regard to the child custody/visitation issues, the decree in the aforesaid AFDD, shall continue to bind the parties in that regard.

MFA No.4440/2023

21. This is an appeal filed by the wife challenging the order dated 13.03.2023 passed by the III Additional Principal Judge, Family Court at Bengaluru insofar as the order under Section 13-A of Hindu Marriage Act, orders judicial separation for a period of one year in M.C.No.4402/2017.

22. Since we have today, passed a judgment in the connected MFA No.4663/2023, dissolving the marriage of the parties, and directing issuance of decree of divorce, the MFA No.4440/2023 is rendered infructuous and it is **dismissed** accordingly.

Sd/-
(JAYANT BANERJI)
JUDGE

Sd/-
(UMESH M. ADIGA)
JUDGE