



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF APRIL, 2026

PRESENT

THE HON'BLE MR. JUSTICE JAYANT BANERJI

AND

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO.4258 OF 2024 (FC)

BETWEEN:

MR.JAYAKUMAR M
AGED ABOUT 43 YEARS
S/O LATE MANICKAM
R/AT NO 51/A, 11TH CROSS
FREEDOM FIGHTER NAGAR
LAGGERE BRIDGE, LAGGERE
BANGALORE 560 058

...APPELLANT

(BY SRI YESHWANT FOR SRI RAJ PRABHU S, ADVOCATES)

AND:

SMT.UMA RANI
W/O JAYA KUMAR
D/O JAYARAMAN
AGED ABOUT 33 YEARS
R/AT NO 7, 8TH CROSS
BASHYAM NAGAR, SRIRAMAPURAM
BANGALORE- 560 021

...RESPONDENT

THIS MISCELLANEOUS FIRST APPEAL IS FILED UNDER SECTION 19(1) OF FAMILY COURTS ACT PRAYING TO SET ASIDE THE JUDGMENT AND DECREE DATED 26.02.2021 PASSED IN M.C.NO.4791/2014 ON THE FILE OF THE PRINCIPAL JUDGE, FAMILY COURT, BENGALURU, DISMISSING THE PETITION FILED UNDER SECTION 13(1)(ia) OF THE HINDU MARRIAGE ACT, 1955.

THIS MISCELLANEOUS FIRST APPEAL COMING ON FOR ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

Digitally
signed by
KAVYA G
Location:
High Court
of
Karnataka



CORAM: HON'BLE MR. JUSTICE JAYANT BANERJI
and
HON'BLE MR. JUSTICE RAJESH RAI K

ORAL JUDGMENT

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

I.A.No.2/2024 is filed under Section 5 of the Limitation Act, 1963 seeking condonation of delay of 749 days in filing the appeal under Section 19(1) of the Family Courts Act, 1984.

2. The appeal is preferred by the husband who filed a petition under Section 13(i)(ia) of the Hindu Marriage Act, 1955 seeking dissolution of the marriage with the respondent which petition was dismissed by means of the impugned judgment and decree dated 26.02.2021. The affidavit filed in support of I.A.No.2/2024 reads as under:

"AFFIDAVIT

I, JAYAKUMAR. M, Aged about 43 Years, S/o Late Manickam, R/at No.51/A, 11th Cross, Freedom Fighter Nagar, Laggere Bridge, Laggere, Bangalore-560058, do hereby solemnly affirm and state on oath as follows:

1. I submit that I am the appellant in the above case and well conversant with the facts of the case.
2. I submit that I had instituted a petition in M.C.4791/2014 under section 13(1) (ia) of the Hindu marriage act to dissolve the marriage dated 12/06/2013 against the respondent.
3. I submit that the family court passed a judgement and decree on 26/02/2021 by dismissing the M.C.No.4791/2014 with the cost of Rs.5,000/-.



4. I submit that after the judgement and decree passed by the family court in M.C.4791/2014 the respondent and her family approached me for settlement and stated that they would not like to proceed with any legal manner.
5. I submit that I was ready for the settlement and later on when the respondent spoke to me about the settlement, they had demanded me for 50 lakhs as a compensation and she shall file a mutual divorce before the Hon'ble family court.
6. I submit that when I refused to settle the matrimonial dispute for Rs.50 lakhs the respondent and her family members stated that they need some time and asked me not to prefer an appeal before the court of law as the respondent didn't want to continue with this matrimonial life.
7. I submit that during August 2022, I suffered from medical ailments, got admitted in hospital for couple of days and thereafter was under continuous medication, underwent 4 eye surgeries, I also went into depression and again got admitted in hospital even during the year 2024, I could not concentrate on the court cases, as I was medically unfit, I also got admitted for high sugar level, as I took too much stress, leading to increase in High blood sugar, blood pressure, hence the delay in filing the petition.
8. I submit that the respondent and her family members have been continuously approaching me stating that they would settle the matter but till now the matter has not been settled.
9. I further submit that when I approached about the respondent and her family members about the updates of the settlement, they kept on giving one or the other reasons and stated that they need some time.
10. I submit that till now the respondent has not given me clarity about the settlement and hence I couldn't file this appeal on time.



11. I submit that I am already aged 44 years and I and the Respondent have been staying separately since 11 years and there is cohabitation in any manner, even the respondent did not make any attempt to join me, except filing cases for money.

WHEREFORE, it is most respectfully prayed that, this Hon'ble Court be pleased to condone the delay of 749 days and permit the appellant to file the above said appeal, as the appellant has good case on merits, in the interest of justice and equity.

I the deponent do hereby declare that what is state above are true to the best of my knowledge, information and belief.

Identified by me

Sd/-
Advocate

Sd/-
Deponent

Place: Bangalore
Date: 23 11.2024"

3. The allegations made in the affidavit that talks for settlement was going on between the parties, and that in August 2022 he was suffering from medical ailments and was admitted in a hospital for a couple of days and underwent four eye surgeries, are hardly sufficient causes for filing this appeal with a delay of around two years.

4. Moreover it is noted that the aforesaid appeal was filed on 27.06.2024. Despite an order passed by this Court on 23.01.2025, office objections were not removed. It was only on



10.02.2026, when this Court passed an order for removal of office objections, the office objections were removed. Thus there was no occasion to issue notice to the respondent. The conduct of the proposed appellant is evident from the aforesaid and his lackadaisical conduct in filing and pursuing the appeal cannot be termed as 'sufficient cause' for condoning the delay.

5. In view of the aforesaid, I.A.No.2/2024 is rejected. Since the application is rejected, nothing survives in the proposed appeal and it is consigned.

Pending IAs, if any, stand disposed of.

Sd/-
(JAYANT BANERJI)
JUDGE

Sd/-
(RAJESH RAI K)
JUDGE