



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF JULY, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

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

MISCELLANEOUS FIRST APPEAL NO. 3877 OF 2026 (FC)

BETWEEN:

1. SMT. MAHESHWARI. S. G.
W/O MAHADEVA SWAMY P.,
D/O GURUSWAMY,
AGED ABOUT 29 YEARS,
R/AT ERAPPANAKOPPALU VILLAGE,
ELWALA POST AND HOBLI,
MYSURU TALUK, MYSURU DISTRICT-570028.

ALSO AT DOOR NO. 1,
NEAR LAND DAMY OFFICE,
SHARAYA BADAVANE,
ALANAHALLI, MYSURU - 570028.

...APPELLANT

(BY SRI. RUPESH KUMAR S., ADVOCATE)

AND:

1. SRI. MAHADEVA SWAMY. P
S/O PAPANNA,
AGED ABOUT 31 YEARS,
R/AT ERAPPANAKOPPALU VILLAGE,
ELWALA POST AND HOBLI,
MYSURU TALUK,
MYSURU DISTRICT - 571130.

...RESPONDENT

Digitally
signed by
VASANTHA
KUMARY B K
Location:
HIGH
COURT OF
KARNATAKA



THIS MFA IS FILED UNDER SECTION 19(1) OF FAMILY COURTS ACT, AGAINST THE JUDGMENT AND DECREE DATED 07.01.2026 PASSED IN MC.NO. 833/2023 ON THE FILE OF THE PRL JUDGE, FAMILY COURT, MYSURU, DISMISSING THE PETITION FILED U/S 13(1)(ia) AND (ib) OF THE HINDU MARRIAGE ACT.

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

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE T.M.NADAF

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE D K SINGH)

The present appeal under Section 19 (1) of the Family Courts Act, 1984 has been filed by the appellant-wife challenging the judgment and order dated 07.01.2026 passed by the Principal Judge, Family Court, Mysuru in M.C.No.833/2023 seeking dissolution of marriage by decree of divorce under Section 13(1)(ia) and (ib) of the Hindu Marriage Act, 1955 .

2. The Family Court vide impugned judgment has rejected the petition as the appellant-wife could not



substantiate the allegations to attract the provisions of Section 13 (1) (ia) and (ib) of the Hindu Marriage Act.

3. The appellant got married with respondent-husband on 28.01.2018. Earlier to this marriage, she was married to someone else and, after taking divorce, performed second marriage with the respondent-husband. Out of the wed lock, a female child was born, who is now seven years of age. The appellant has left the matrimonial home in the month of June, 2021 when COVID-19 pandemic had spread across the country and several lives were lost.

4. The appellant in her testimony had admitted that she was working as a Security Personnel in a ladies hostel and was getting a monthly salary of Rs.9,000/-. After she deserted the matrimonial home, she started living with her parents along with her minor child and both the parents and the minor child were dependent on her. Except for her oral testimony regarding cruelty, no material was placed before the Court during her stay in the matrimonial home that she was persistently harassed by the respondent-husband mentally and physically.



5. The Family Court has considered the police complaint at Ex.P7, which was given 20 days prior to her leaving the matrimonial home. However, from a reading of the police complaint, there were no serious allegations regarding cruelty, harassment or torture by her present husband. As the appellant failed to prove the allegation of cruelty under Section 13 (1) (ia) and (ib) of the Hindu Marriage Act, the Family Court placing reliance on the judgment in ***Rajesh Kumar Singh Vs. Smt. Suman Yadav*** in **2020 (2) MLJ 157 (ALL)** and other judgments has rejected the divorce petition.

6. Learned counsel for the appellant submits that after she left the matrimonial home, she was ready and willing to go and live with her husband but he did not take her back.

7. We put a specific query to the learned counsel for the appellant as to whether the appellant is willing to return and live with her husband. In response, the learned counsel for the appellant clearly submitted that she is no longer willing to live with her husband.



8. We have considered the testimony of the appellant and the judgment passed by the Family Court.

9. We find that the allegations of cruelty have not been proved by leading any credible and cogent evidence. The appellant had already obtained a divorce from her first husband and is now seeking a divorce from her second marriage, in which she has a 7 year old minor daughter. We find no ground to interfere with the impugned judgment passed by the Family Court. Accordingly, the appeal is ***dismissed***.

**Sd/-
(D K SINGH)
JUDGE**

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

RKA
List No.: 2 Sl No.: 5