



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JUNE, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

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

MISCELLANEOUS FIRST APPEAL NO. 4354 OF 2026 (FC)

BETWEEN:

1. SRI PRADEEP M P
S/O M.N. PUTTANNAIAH
AGED ABOUT 48 YEARS,
R/AT NO.613, BEML LAYOUT,
3RD STAGE, RR NAGAR, BANGALORE-560 098
...APPELLANT
(BY SRI. HANUMANTHAPPA B HARAVI GOWDAR., ADVOCATE)

AND:

1. SMT VIJAYALAKSHMI @ SOWMYA
W/O PRADEEP M P
D/O N.K. VASUDEVA SWAMY
SMT. VIJAYALAKSHMI
AGED ABOUT 42 YEARS,
R/AT NO.19, KANAKADHARA
3RD A MAIN ROAD, 2ND A CROSS,
SOMESHWARANAGARA
G.K.V.K. POST, BANGALORE-560 065
...RESPONDENT

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

THIS MFA IS FILED UNDER SECTION 19(1) OF FAMILY COURT ACT, AGAINST THE JUDGMENT AND DECREE DATED 02/09/2024 PASSED IN MC NO. 2090/2017 ON THE FILE OF THE PRL. JUDGE, FAMILY COURT, BENGALURU., DISMISSING THE PETITION FILED UNDER SECTION 13(1)(i-a) OF 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-husband against the judgment and decree dated 02.09.2024 passed by the Court of Principal Judge, Family Court, Bengaluru in M.C.No.3314/2017.

2. The appellant-husband had filed M.C.No.2090/2017 seeking decree of divorce under Section 13(1) (ia) and (ib) of the Hindu Marriage Act, 1955 whereas M.C.No.3314/2017 was filed by the respondent-wife under Section 9 of the Hindu Marriage Act, 1955 seeking restitution of conjugal rights.

3. The Family Court dismissed the petition filed by the appellant seeking decree of divorce whereas the petition filed by the respondent-wife under Section 9 of the Hindu Marriage Act was allowed.



4. The present appeal is filed against the order for restitution of conjugal rights and this appeal has been filed with delay of 552 days. Paragraph 2 of the affidavit filed in support of the application seeking condonation of delay in filing the appeal reads as under:

"2. Now I am filing this application for seeking condonation of delay. There is delay in filing this appeal before this Hon'ble Court, delay is caused on account of mental torture given by the respondent I have lost everything, I lost mobile phone and because of that incident I could not able to contact my counsel who contacted case before the Family Court. Because of unavoidable circumstances and ultimately after recovering from mental agony and with advice of my parents, friends, well-wishers I purchased mobile and after getting the mobile I had contacted my counsel in 2nd week of Feb-2026 and immediately after collecting necessary information and records my counsel applied certified copy on 09.09.2024 it was in my advocates office after new mobile connection searched my counsel office went there and collected all records and with contact with new counsel filing this appeal with necessary instructions hence delay is caused there is no intutional one. But it is for bona fide reason stated supra; hence, this application, if delay is condoned, no hardship would be caused to the other side. If not condoned, I would be put into irreparable loss and injury."



**NC: 2026:KHC:32305-DB
MFA No. 4354 of 2026**

5. The reasons mentioned in the affidavit filed in support of the application seeking condonation are neither bonafide nor genuine nor convincing. We, therefore, find no reason to condone such an enormous delay in filing the appeal. Therefore, we dismiss the application (I.A.No.1/2026) seeking condonation. Resultantly, the appeal also stands ***dismissed***.

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

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

RKA
List No.: 1 Sl No.: 3