



CNR: KAHC010396612026

NC: 2026:KHC:37069-DB
MFA No. 4290 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH 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. 4290 OF 2026 (FC)

BETWEEN:

MR. C. RAGHU RAM NAIK,
AGED ABOUT 44 YEARS,
S/O MR. D. CHANDRA NAIK,
R/AT FLAT NO.704,
MAHAVEER RIVIERA,
7TH FLOOR, B-BLOCK,
24TH MAIN, ACHAPPA LAYOUT,
PUTTENAHALLI, JP NAGARA,
5TH PHASE,
BENGALURU - 560 078.

...APPELLANT

(BY SRI. S.B.LAKSHMAMMA.,ADVOCATE)

AND:

SMT. KAVITHA BAI,
AGED ABOUT 42 YEARS,
D/O MR. KARIYA NAIK,
AVALAHALLI POST,
KRISHNA NAIK BANJARA LAYOUT,
HOUSE OF PEERYA NAIK,
K.R. PURA HOBLI,
BENGALURU EAST TALUK - 560 049.

...RESPONDENT



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THIS MFA IS FILED UNDER SECTION 19(1) OF FAMILY COURT ACT, AGAINST THE JUDGMENT AND DECREE DATED:07.03.2026 PASSED IN MC NO.2510/2021 ON THE FILE OF THE PRINCIPAL JUDGE, FAMILY COURT, BENGALURU, DISMISSING THE PETITION FILED U/S.13(1)(ia) AND (ib) OF THE HINDU MARRIAGE ACT, 1955 AND ALLOWING THE COUNTER CLAIM FILED U/S 9 OF THE HINDU MARRIAGE ACT.

THIS APPEAL, COMING ON FOR ADMISSION, 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 Court Act, 1964, has been filed by the husband impugning the judgment and decree dated 07.03.2026 passed by the Principal Judge, Family Court, Bengaluru¹ in M.C.No.2510/2021.

2. The aforesaid Miscellaneous case was filed by the appellant/husband seeking a decree of divorce under

¹ "Family Court" for short



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Section 13(1)(ia) and (ib) of the Hindu Marriage Act, 1955, on the ground of cruelty and desertion.

3. The marriage between the parties was solemnized on 15.12.2017 in accordance with Hindu rites, rituals and customs. A female child was born through IVF treatment on 28.11.2020. The appellant/husband alleged that respondent-wife had left the matrimonial home on 30.03.2020, with the intention of permanently ending the marital relationship and thereby deserted him. Despite the legal notice issued by him, she did not return to the matrimonial home. It was further alleged that the respondent-wife was rude, egoistic and quarrelsome. She would threaten the appellant and his parents to commit suicide. Even she physically assaulted the appellant. These allegations were denied by the respondent-wife. In fact, she said that she was forced to leave the matrimonial home in May 2020. Despite her intention and willing to live with the husband, she was not allowed to return to the matrimonial home.



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4. The Family Court on the basis of the pleadings and the material on the record, as well as evidence adduced by the parties, held that the essential ingredient of *animus deserendi* on the part of respondent-wife was absent. The learned Family Court has also noted that no cruelty was proved to have been committed by the respondent-wife.

5. We have gone through the impugned judgment and decree passed by the Family Court. The allegations of cruelty against the respondent-wife are not proved by the appellant-husband by leading any credible evidence. The allegations which have been made are very superficial in nature. The parties were married on 15.12.2017 and a female child through IVF was born on 28.11.2020. The marriage cannot be dissolved unless there are compelling circumstances and those factors are proved as provided under Section 13 of the Hindu Marriage Act, 1955.



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6. Under the Hindu law, Marriage is a sacrament that binds the parties for life, unless it is disrupted by a decree of divorce or supernatural act. We therefore find no ground to interfere with the well reasoned judgment passed by the Family Court.

7. We therefore ***dismiss*** this appeal. We hope that the parties will live together and lead a good and beautiful life together for years to come.

In view of dismissal of the appeal, pending interlocutory application/s if any, does not survive for consideration and the same is/are disposed of.

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

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

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List No.: 1 Sl No.: 5
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