



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH 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. 6071 OF 2022 (MC)

BETWEEN:

SRI N RAMESHA
S/O LATE SRI NINGEGOWDA @ KUNDAPPA
AGED ABOUT 39 YEARS
R/AT MANIGERE VILLAGE
C.A. KERE HOBLI,
MADDUR TALUK
MANDYA DISTRICT

...APPELLANT

(BY SRI. K ABHINAV ANAND, ADVOCATE)

AND:

SMT. S.V RENUKA
W/O SRI. N. RAMESHA
AGED ABOUT 34 YEARS
R/AT NO.685, 2ND CROSS
OPP. JAYALAKSHMI SAW MILL
GUTHALU COLONY
MANDYA CITY-571 403

...RESPONDENT

(RESPONDENT SERVED - UNREPRESENTED)

THIS MFA IS FILED U/S 28(1) OF HINDU MARRIAGE ACT AGAINST THE JUDGMENT AND DECREE DATED 11.07.2022 PASSED IN MC NO.53/2016 ON THE FILE OF THE SENIOR CIVIL JUDGE, MADDUR, DISMISSING THE PETITION FILED UNDER SECTION 13(1)(i)(i-a) (ib) OF THE HINDU MARRIAGE ACT, 1955.

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



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

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

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE RAJESH RAI K)

This appeal is filed by the husband against the judgment and decree dated 11.07.2022 passed in M.C.No.53/2016 by the Court of the Senior Civil Judge, Maddur, whereby the petition filed by the appellant/husband under Section 13(1)(ia) and (ib) of the Hindu Marriage Act, 1955 was dismissed.

2. The briefly stated facts of the case are:

The marriage between the appellant-husband and the respondent-wife was solemnized on 15.11.2012 at Mandya in accordance with Hindu customs and rites. The parties cohabited as husband and wife in the matrimonial home for a period of about two years, during which a female child was born from the wedlock.

3. It is the case of the appellant that thereafter the respondent subjected him and his family members to ill-



treatment and voluntarily left the matrimonial home and started residing with her parents without any justifiable cause, despite repeated requests made by the appellant and elders for her return. It is further contended that neither the appellant nor his family members had at any point of time demanded dowry; however, at the instigation of her parents, the respondent is alleged to have lodged a false complaint accusing the appellant of dowry demand and assault.

4. The appellant further submits that the respondent extended threats to implicate him and his family members in false criminal cases and to have them imprisoned. In view of the aforesaid circumstances, the appellant states that he has lost all faith in the respondent and has consequently sought a decree of divorce.

5. The respondent-wife has filed her statement of objections resisting the petition and has denied the allegations of cruelty made by the appellant. It is stated that from the wedlock, the parties have been blessed with one daughter and one son. The respondent contends that at the time of marriage, her father had given a sum of Rs.2,00,000/- in cash as dowry



along with gold ornaments weighing about 200 grams. It is further stated that the parties initially maintained cordial relationship only for a period of two months after the marriage.

6. Thereafter, it is alleged that the appellant started demanding the respondent to hand over her salary to him, and he forcibly took possession of her ATM card, permitting her to retain only bus fare expenses. It is further alleged that the appellant took away her gold ornaments and pledged the same in banks, and also compelled her to raise loans from KGID to meet his expenses arising out of his drinking habit.

7. It is further alleged that the appellant, along with his mother, subjected the respondent to harassment by forcing her to undergo abortion on two occasions and further demanded additional dowry of Rs.5,00,000/- from her parental home to clear his loans, while threatening her with dire consequences. It is also alleged that the appellant threatened to marry another woman if the said demand was not fulfilled.

8. The respondent further states that the appellant used to consume alcohol and abuse her physically and mentally. On 07.03.2016, when she was four months pregnant



and was subjected to physical assault, she lodged a complaint before the Women and Child Welfare Department, Maddur, and K.M. Doddi Police Station. It is stated that the matter was subsequently settled through conciliation in a panchayat.

9. It is further contended that thereafter the respondent returned to her parental home for delivery, during which time the appellant visited her on two occasions and again insisted her to bring money or seek a share in her father's property. It is also stated that when the respondent sought conciliation, the appellant threatened that he would not accept her unless she brought money. Further, the respondent asserts that she is ready and willing to lead a peaceful marital life with the appellant and has therefore prayed for dismissal of the divorce petition.

10. The Family Court, upon appreciation of the oral and documentary evidence adduced by both parties, framed the necessary issues for consideration. In support of the case of the appellant-husband, he examined himself as PW1 and marked 14 documents as Exs.P1 to P14. The respondent-wife also got



examined herself as RW1 and examined two witnesses as RWs.2 and 3 and marked 15 documents as Exs.R1 to R15.

11. On such assessment, the Court dismissed the petition filed by the husband seeking dissolution of marriage vide impugned judgment dated 11.07.2022. Aggrieved by the said judgment and decree, the appellant-husband has preferred the present appeal.

12. Heard Sri. K. Abhinav, learned counsel for the appellant. Though notice served to respondent, she remained absent.

13. The learned counsel appearing for the appellant-husband vehemently contends that the impugned judgment suffers from perversity and illegality, inasmuch as the Family Court has failed to properly appreciate the evidence available on record. It is submitted that, right from the inception of the marriage, the respondent-wife used to belittle and demean the educational qualification and profession of the appellant, stating that he is a Middle School teacher, whereas she is a High School teacher.



14. It is further contended that the respondent, in collusion with her mother, levelled false and baseless allegations of dowry demand and physical harassment against the appellant and his family members and also lodged a complaint before the K.M. Doddi Police Station, thereby subjecting the appellant to mental agony, humiliation, and harassment.

15. It is also submitted that the respondent voluntarily deserted the matrimonial home without any justifiable cause and started residing at her parental home, thereby neglecting the appellant for a period of more than two years.

16. On the aforesaid grounds, the appellant contends that he has made out a case for dissolution of marriage both on the grounds of cruelty and desertion. It is submitted that the Family Court, without proper appreciation of the oral and documentary evidence on record and in an improper perspective, has erroneously dismissed the petition, resulting in miscarriage of justice. Accordingly, the appellant prays that the impugned judgment and decree passed by the Family Court be



set aside and the appeal be allowed, granting a decree of divorce as prayed for.

17. Having heard the learned counsel for the appellant and on perusal of the material on record, the sole point that would arise for our consideration in this appeal is -

Whether the Family Court is justified in dismissing the petition filed by the appellant-husband seeking a decree of divorce?

18. As could be seen from the records, the marriage between the appellant and the respondent was solemnized on 15.11.2012. It is not in dispute that both the appellant and the respondent are employed as teachers, the appellant was working as a Middle School teacher and the respondent as a High School teacher. From their wedlock, they have been blessed with two children. The appellant has alleged that from the inception of the marriage, the respondent ill-treated him as well as his mother and failed to discharge her obligations as a dutiful wife in the matrimonial home.



19. However, on a careful perusal of the evidence of PW.1, it is noticed that the appellant has admitted that he has not specified any particular incident of harassment attributed to the respondent. It has also come in evidence that both parties, being employed as teachers, used to leave the house at about 10.00 a.m. and return by 5.00 p.m., and had cohabited together for a period of about two years after the marriage.

20. The appellant has further contended that the respondent had lodged a false complaint against him and his family members alleging dowry harassment, thereby causing him mental agony and torture. In this regard, on a perusal of the statement of objections and the records placed before the Family Court, it is seen that the said complaint was lodged on 08.03.2016. However, the records disclose that on 07.03.2016 itself, the respondent had taken treatment at Primary Health Centre, Bharathinagara, K.M. Doddi, with a history of assault allegedly caused by her husband, as evidenced by Ex.R2. Subsequently, she was admitted as an inpatient at Kaveri Nursing Home, Mandya, for further treatment and was discharged on 11.03.2016, as per Ex.R5. These medical records clearly indicate that the respondent had undergone treatment



for injuries sustained due to assault, and thereafter a complaint was also lodged, which was later stated to have been settled with the intervention of elders and villagers. In view of the above material evidence, it cannot be accepted that the respondent had lodged a false complaint with false allegations so as to harass the appellant.

21. Further, on perusal of the evidence of PW.1, it is admitted that the appellant had pledged gold ornaments at Karnataka Bank and Vijaya Bank. Though it is denied by him that the said ornaments belonged to the respondent, it is the specific case of the respondent that the said gold ornaments were her stridhan and that the appellant had raised amounts of Rs.74,000/-, Rs.1,67,400/-, Rs.45,000/- and Rs.27,000/- by pledging the same.

22. In support of her contention, the respondent has relied upon Exs.R8 to R15, the inland letters written by her to her sister, one Rajeshwari, wherein she has specifically narrated the alleged harassment meted out to her in the matrimonial home, including the pledging of her gold ornaments in various banks by the appellant.



23. The appellant has also sought to contend that the respondent was suffering from mental illness by relying upon Ex.P7 and Ex.P14. However, the respondent has explained that the said records pertain to treatment taken at NIMHANS Hospital following injuries sustained by her due to a fall from a vehicle, and that she subsequently took treatment at Prakruthi Chikitsalaya from 08.02.2015 to 16.02.2015, as evidenced by Ex.P14. The respondent has categorically denied the allegation of mental illness.

24. Significantly, the appellant has neither examined the concerned doctor nor produced any cogent medical evidence to substantiate his contention that the respondent was suffering from any mental illness. On the other hand, it is the case of the respondent that she was subjected to assault by the appellant when she was about 3½ months pregnant, as a result of which she was admitted as an inpatient at Kaveri Nursing Home, Mandya, for a period of five days. It is further contended that any alleged depressive condition was only a consequence of the ill-treatment and assault meted out to her.



25. In the absence of examination of the author of Ex.P14 or any medical expert evidence to support the appellant's claim, Ex.P14 by itself cannot be relied upon to conclude that the respondent was suffering from mental illness. Accordingly, the contention of the appellant in this regard is not sustainable.

26. In view of the foregoing, on careful scrutiny of the entire evidence and documents on record afresh, we are satisfied that the Family Court was justified in dismissing the appellant's petition for divorce. Accordingly, the point for consideration is answered in favour of the respondent, and as a result, the appeal is ***dismissed***.

SD/-
(JAYANT BANERJI)
JUDGE

SD/-
(RAJESH RAI K)
JUDGE