



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF JUNE, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MS. JUSTICE TARA VITASTA GANJU

MISCELLANEOUS FIRST APPEAL NO.5357 OF 2018 (FC)

BETWEEN:

SMT. VINITHA SHARMA
W/O SANJAY KUMAR SHARMA
AGED ABOUT 40 YEARS
R/A NO.92/1, DOOR NO.2
GROUND FLOOR, GATTIGERE
BEML LAYOUT, 3RD STAGE
RAJARAJESHWARI NAGAR
BANGALORE – 560 098

...APPELLANT

(BY SRI. NAGARAJ DAMODAR., ADVOCATE)

AND:

SRI. SANJAY KUMAR SHARMA
S/O SANTHOSH KUMAR SHARMA
AGED ABOUT 42 YEARS
R/A NO.92/1, DOOR NO.2
GROUND FLOOR, GATTIGERE
BEML LAYOUT, 3RD STAGE
RAJARAJESHWARI NAGAR
BANGALORE – 560 098

...RESPONDENT

(BY SRI. PRABHUGOUD B TUMBIGI., ADVOCATE)



THIS MFA IS FILED UNDER SECTION 19(1) OF FAMILY COURT ACT R/W SECTION 28 OF HINDU MARRIAGE ACT, PRAYING TO SET ASIDE THE JUDGMENT AND DECREE DATED 31/03/2018, PASSED IN M.C.NO.929/2013, ON THE FILE OF III ADDITIONAL PRINCIPAL JUDGE, FAMILY COURT, BENGALURU IN THE INTEREST OF JUSTICE AND EQUITY.

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

CORAM: HON'BLE MR. JUSTICE D K SINGH
&
HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORAL JUDGMENT

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

The present appeal is filed by the appellant/wife impugning the Judgment and Decree dated 31.03.2018 passed by the Court of III Additional Principal Judge, Family Court, Bengaluru, in M.C.No.929/2013, filed by the respondent/husband under Section 13(1)(ia) and 13 (1)(iii)(a)(b) of the Hindu Marriage Act, 1955, seeking for dissolution of their marriage which was solemnized way back on 21.02.2000. Out of the wedlock, three children were born who are, Ms.Kushi, Ms.Preethi and Ms.Srishti.



Except one, the two other daughters have attained the age of majority.

2. The decree of divorce has been granted to the respondent/husband on the ground that the appellant/wife is mentally imbalanced for which the Family Court has relied on the documents namely, Exhibit P10, Exhibit P11, and Exhibit P15, as well as discharge summary, Exhibit P19, which would suggest that the appellant/wife has been suffering from encephalomalacia. The Exhibit P20/ certificate would suggest that the said disease is not a curable disease.

3. The Family Court has also noted that the marriage has broken down irretrievably because of the mental illness with which the appellant/wife is suffering from and she is incapable to discharge the marital obligations.

4. The Family Court however has not granted any maintenance or permanent alimony to the appellant/wife



on the ground that she did not pursue maintenance application under Section 24 of the Hindu Marriage Act, 1955.

5. When the Family Court has come to the conclusion that the appellant/wife is incapable of performing even the marital obligations because of her mental illness, we are of the view that she could not have pursued her case also properly.

6. It is not the case of the respondent/husband that appellant/wife is employed or she has any independent source of income. She is living with her parents and she is fully dependent on her parents who must be now aged. The respondent/husband is employed and earning well. He has three daughters to look after, but it is his responsibility to look after the wife also. Mental illness is not her own but it is a disorder which is incurable. We are therefore, of the view that looking at the income of the respondent/husband, permanent alimony of



Rs.10,00,000/- would be justified in the facts and circumstances of the case and it would meet the ends of justice.

7. The learned counsel for the appellant/wife has not disputed the other facts and evidence regarding granting the decree of divorce. He has confined his argument only in respect of not granting them permanent alimony to the appellant/wife.

8. In view of the above, the appellant/wife is entitled to receive permanent alimony of Rs.10,00,000/- (Rupees Ten Lakhs) from the respondent/husband within a period of three months in three equal instalments. The first instalment shall be paid on or before first August 2026. The second and third Instalments shall be paid on or before 1st September 2026 and 1st October 2026, respectively.



9. With the aforesaid, the appeal is ***disposed of.***

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

**Sd/-
(TARA VITASTA GANJU)
JUDGE**

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List No.: 1 Sl No.: 2