



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST 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. 8386 OF 2019 (FC)

BETWEEN:

DAYANANDA Y
S/O YEERAIHAH,
AGED ABOUT 46 YEARS,
R/O MADAKKANAHALLI,
SIRA TALUK-572 137,
TUMKUR DISTRICT

...APPELLANT

(BY SRI. R SHASHIDHARA, ADVOCATE)

AND:

SHOBHA V
W/O DAYANANDA Y
D/O LATE M.VENKATESH,
AGED ABOUT 41 YEARS,
R/AT NO.48, BOYS HOSTEL ROAD,
JETAPPA LAYOUT, YELCHENAHALLI,
J.P.NAGAR, BENGALURU

...RESPONDENT

(VIDE ORDER DATED 07.08.2023, SERVICE OF NOTICE TO
RESPONDENT IS HELD SUFFICIENT)

THIS MFA IS FILED U/S 19(1) OF FAMILY COURTS ACT,
AGAINST THE JUDGMENT AND DECREE DATED 02.08.2019,

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



PASSED IN MC NO.4729/2017, ON THE FILE OF THE II-
ADDITIONAL PRINCIPAL JUDGE, FAMILY COURT, BENGALURU,
DISMISSING THE PETITION FILED U/SEC. 13(1)(ia)(ib) OF
HINDU MARRIAGE ACT.

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 02.08.2019 passed in M.C.No.4729/2017 by
the Court of the II Addl. Principal Judge, Family Court at
Bengaluru, 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 respondent is the legally wedded wife of the
petitioner; the marriage was solemnized on 17.05.2002 at
Mochannappa Kalyana Mantapa, Bengaluru, in accordance with
Hindu rites and customs. The parties cohabited from 2002 to
2005 and initially lived cordially. Thereafter, the respondent



allegedly adopted an adamant and hostile attitude, frequently quarrelling and exhibiting non-cooperative conduct despite the appellant's efforts at reconciliation.

3. It is contended that the respondent, under the influence of her parents, habitually picked quarrels without cause and, in February 2005, voluntarily left the matrimonial home with no intention to return, and has since not resumed cohabitation. She is stated to be employed as a primary school teacher in Bengaluru, earning about Rs.25,000/- per month and residing separately.

4. It is further alleged that the respondent failed to cooperate in the marital relationship and extended threats through her relatives. In February 2005, she left the matrimonial home without intimation and, despite requested by the petitioner, refused to return. In March 2005, she lodged a police complaint, pursuant to which an enquiry and panchayat were conducted; however, she declined reconciliation and sought divorce. The appellant asserts that he was subjected to humiliation and mental agony due to the respondent's conduct, rendering continuation of the marital relationship untenable. In



view of the aforesaid circumstances, the appellant 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 and desertion made by the appellant. It is stated that upon marriage, she joined the appellant in the matrimonial home with legitimate expectations of a dignified and harmonious marital life. However, she was subjected to ill-treatment by the appellant and his family from the inception. Instead of a supportive environment, she alleges that she was treated as a subordinate member, expected to silently serve the family and meet the appellant's demands, while her own needs and aspirations were disregarded. She further contends that the petition is based on false and fabricated allegations intended to mislead the Court.

6. The respondent asserts that the appellant exerted financial control by insisting that she surrender her salary and appropriating a substantial portion thereof, thereby placing her in financial distress. She states that she endured such conduct in the hope of reform; however, the alleged acts of cruelty



escalated to an intolerable level, adversely affecting her well-being.

7. It is further contended that the appellant compelled her to vacate the leased premises and, having no alternative, she shifted to her parental home. The respondent alleges misuse of funds contributed by her parents towards the leased house and continued harassment and humiliation at the hands of the appellant, including public insults and verbal abuse. She also alleges that, on a later occasion, the appellant, under the influence of alcohol, demanded money for purchasing a house in his name and subjected her to abusive conduct.

8. It is her case that the appellant failed to discharge his marital obligations and has falsely blamed her with malafide intent. She further submits that she lacks sufficient means for her maintenance and has initiated appropriate proceedings seeking the same. She further asserts that she has been the victim of cruelty and, accordingly, prays for dismissal of the petition.

9. 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 2 documents as Exs.P1 and P2. The respondent-wife also got examined herself as RW1.

10. On such assessment, the Court dismissed the petition filed by the husband seeking dissolution of marriage, vide impugned judgment dated 02.08.2019. Aggrieved by the said judgment and decree, the appellant-husband has preferred the present appeal.

11. Heard Sri. R. Shashidhara, learned counsel for the appellant. Though notice served to respondent, she remained absent.

12. 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. He further contended that he has established before the Family Court that the respondent subjected him to cruelty in the matrimonial home. He submits that the respondent, being a teacher earning a substantial income, used to belittle



his profession and earnings, and frequently misbehaved and quarrelled with him without cause. He further contends that the respondent lodged a false criminal complaint against him, thereby subjecting him to mental cruelty.

13. It is further contended by the learned counsel for the appellant that the respondent deserted the appellant without valid cause and has been residing in her parental home since 2005, which is also reflected in the maintenance proceedings initiated by her. It is submitted that the respondent has admitted in her evidence that the parties have been living separately for a considerable period. In such circumstances, it is argued that the marital relationship has irretrievably broken down with no possibility of reunion. Hence, the Family Court ought to have granted divorce on the grounds of cruelty and desertion. Accordingly, he prays to allow the appeal.

14. 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?

15. As could be gathered from records, the marital relationship between the parties is undisputed. The appellant-husband has sought dissolution of marriage on the grounds of mental cruelty and desertion. In support of his case, he examined himself as PW.1 and produced two documents, namely Ex.P1-marriage invitation and Ex.P2-joint photograph.

16. On careful consideration of the evidence of PW.1, it is seen that the appellant admitted that he and the respondent cohabited from 2002 to 2005. He has alleged that thereafter the respondent became adamant, misbehaved, and failed to discharge marital obligations, including denial of conjugal relations, thereby causing mental cruelty. However, except his oral testimony, no independent evidence or documentary proof has been produced to substantiate these allegations. In fact, in his cross-examination, the appellant admitted that he has neither placed any material to establish the alleged cruelty, nor



has he cited any specific instances, except relying only on general and omnibus allegations.

17. Further, PW.1 admitted that a complaint was lodged against him by the respondent in 2005 at Sira Police Station, followed by a panchayat, after which the parties were sent to Bengaluru, though the relationship remained strained. However, the appellant left Bengaluru by leaving respondent and started to reside at Sira. It is also evident that the divorce petition was filed subsequent to the respondent initiating maintenance proceedings in CrI.Misc.No.550/2016 before the Family Court, Bengaluru. On careful scrutiny of the evidence and documents available on record, the appellant miserably failed to prove the allegation of cruelty alleged by him on the respondent which forced him to file divorce petition. This aspect of the matter has been rightly dealt by the Family Court.

18. On perusal of the respondent's evidence, it is noted that in her cross-examination she stated that the appellant left her in February 2014 at Bengaluru, and that despite her attempts to rejoin him at the matrimonial home in Sira, he did not permit her to do so. She has consistently expressed her



willingness to resume cohabitation. In contrast, the appellant, in his cross-examination, admitted that he is not willing to take the respondent back, even though she is ready to join him. This admission clearly indicates that the alleged desertion is attributable to the appellant and not to the respondent.

19. In view of the foregoing reasons, the contention of the appellant regarding wilful desertion by the respondent is not proved and upon appreciation of the entire evidence and documents on record afresh, this Court finds that the Family Court has rightly assessed the material and passed the impugned judgment, which warrants no interference. The point for consideration is answered in the affirmative and consequently, the appeal stands ***dismissed.***

SD/-
(JAYANT BANERJI)
JUDGE

SD/-
(RAJESH RAI K)
JUDGE