



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF JANUARY, 2026

PRESENT

THE HON'BLE MR. JUSTICE JAYANT BANERJI

AND

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

MISCELLANEOUS FIRST APPEAL NO. 3827 OF 2018 (FC)

BETWEEN:

SMT. SHRUTIKEERTHI.K,
W/O SATISH KABBINADA,
AGED ABOUT 42 YEARS,
RESIDENT OF DOOR NO.255,
8TH CROSS, K.C.LAYOUT,
MYSORE -570 011.

...APPELLANT

(BY SRI.SHRAVAN S LOKRE, ADVOCATE)

AND:

SRI.SATHISH KABBINADA,
S/O VIRUPAKASHAPPA KABBINADA,
AGED ABOUT 47 YEARS,
RESIDENT OF DOOR NO.255,
8TH CROSS, K.C.LAYOUT,
MYSORE -570 011.

...RESPONDENT

(BY SRI.DATTATREYA M JOSHI, ADVOCATE)

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

Digitally
signed by K G
RENUKAMBA
Location:
HIGH COURT
OF
KARNATAKA



12.03.2018 PASSED ON MC NO.134/2015 ON THE FILE OF THE 1ST ADDITIONAL PRINCIPAL JUDGE, FAMILY COURT, MYSURU, PARTLY ALLOWING THE PETITION FILED U/S.13(1)(ia) OF THE HINDU MARRIAGE ACT.

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

CORAM: HON'BLE MR. JUSTICE JAYANT BANERJI
AND
HON'BLE MR. JUSTICE T.M.NADAF

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE JAYANT BANERJI)

Heard the learned counsel for the appellant and the learned counsel for the respondent.

2. This appeal has been filed seeking the following relief:-

- a) *Call for records of the court below in M.C.No.134/2015 on the file of the 1st Additional Principal Family Court, Mysuru;*
- b) *Set aside the judgment and decree dated 12.3.2008 passed in M.C.No.134/2015 by the 1st Additional Principal Family Judge, Mysuru;*
- c) *Dismiss the petition of the Petitioner for decree of divorce in M.C.No.134/2015 on the file of the 1st Additional Principal Family Court, Mysuru; and*
- d) *Pass such other or orders deems fit in the facts and circumstances of the case,."*



3. By means of the appeal, the judgment and decree dated 12.03.2008 passed in MC No.134/2015 passed by the 1st Additional Principal Family Judge, Mysuru, is under challenge.

4. By means of the said judgment, the petition filed by the respondent under Section 13(1)(i-a) of the Hindu Marriage Act, 1955 was allowed, and the petition filed under Section 10 of the Guardians and Wards Act was disposed of, holding that the respondent would be entitled to interim custody of the minor wards once a month after school hours on 3rd Saturday upto 8.00 p.m., on the following Sunday and also during the first five days of Dasara Holidays, and also during the first fifteen days of Summer Vacation.

5. When the matter was listed on 18.12.2025, the counsel for the appellant had stated that the appeal insofar as the impugned judgment and the decree granting a divorce and interim stay of the minor wards is concerned, is not pressed. It was admitted that, the minor wards have attained majority rendering the appeal arising out of the Guardian and Wards case, infructuous.



6. In this view of the matter, nothing survives in this appeal.

7. This Court therefore, recorded the submissions and observed as follows:-

1. *Heard the learned counsel for the appellant.*

2. *The learned counsel for the appellant states that he is not pressing the appeal insofar as the impugned judgment and decree granting a divorce and interim custody of the minor ward is concerned. It is further admitted that the minor ward has attained majority rendering the appeal arising out of the G & W case infructuous. In this view of the matter, nothing survives in this appeal.*

3. *However, the learned counsel for the appellant states that an application – I.A.No.4/2025 has been filed under Section 25 of the Hindu Marriage Act for grant of permanent alimony.*

4. *Though the provision of Section 25 of the Hindu Marriage Act, permits application for permanent alimony and maintenance to be filed before any Court exercising jurisdiction under the Hindu Marriage Act, however, in our opinion, since Section 19 of the Family Courts Act, provides for a*



right of appeal against any judgment or order of a Family Court, in our opinion, any parties aggrieved by an order of permanent alimony or maintenance passed under the provisions of Section 25 of the Hindu Marriage Act, ought to have a remedy of appeal.

5. *Right of appeal is provided under Section 19 of the Family Courts Act and, moreover, under Section 20 of the Family Courts Act, the Family Courts Act, would have overriding effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act. Therefore, the appellant would necessarily have to file the application for alimony before the Family Court.*

6. *At this stage, learned counsel for the appellant seeks an adjournment to confirm with the appellant.*

7. *As prayed, list the matter on 12.01.2026 before the appropriate Court.*

8. In view of the aforesaid observations made by this Court on 18.12.2025, we do not see any reason to keep this appeal pending.



**NC: 2026:KHC:1734-DB
MFA No. 3827 of 2018**

9. It is open to the appellant to move an appropriate application under Section 25 of the Hindu Marriage Act, 1955, before the Family Court if she is so advised.

10. The appeal therefore stands dismissed.

**Sd/-
(JAYANT BANERJI)
JUDGE**

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

KGR*
List No.: 1 Sl No.: 13