



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 14TH 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. 9031 OF 2017 (FC)

BETWEEN:

DR. MADHAV HONNATTI,
S/O. MR. RAMRAO HONNATTI,
AGED ABOUT 65 YEARS,
R/AT 2658/2A, 1ST MAIN,
M.C. COLONY, 'B' BLOCK,
DAVANAGERE - 577 004.

...APPELLANT

(BY SRI. BHUSHANI KUMAR., ADVOCATE)

AND:

1. NIVEDITA HONNATTI,
W/O MR. MADHAV HONNATTI,
S-1, ASHRYA APARTMENTS,
NO.63, SOUTH CROSS ROAD,
BASVANAGUDI, BANGALORE - 560 004.
2. K.R. SRIKRISHNA,
S/O RAMAMOORTHY,
SRIKRISHNA, FLAT NO.D-302,
3RD FLOOR, NO.303,
MANTRA GARDEN APARTMENTS,
1ST BLOCK, JAYANAGAR,
NEAR MADHAVAN PARK
BANGALORE - 560 011.

...RESPONDENTS

(BY SMT. HEMALATHA MAHISHI, ADVOCATE FOR R1 (ABSENT);
VIDE ORDER DATED:14.07.2026, SERVICE OF
NOTICE TO R2 HELD SUFFICIENT)



THIS MFA IS FILED UNDER SECTION 19(1) OF FAMILY COURTS ACT, AGAINST THE JUDGMENT AND DECREE DATED:28.10.2017 PASSED IN M.C NO.1708/2008 ON THE FILE OF THE II ADDITIONAL PRINCIPAL JUDGE, FAMILY COURT BENGALURU, DISMISSING THE PETITION FILED U/S 13(1)(ia) & (ib) OF HINDU MARRIAGE ACT.

THIS APPEAL, COMING ON FOR ORDERS, 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 has been filed under Section 19(1) of the Family Courts Act, impugning the judgment and decree dated 28.10.2017 passed by the Court of II Additional Principal Judge, Family Court, Bengaluru, in MC.No.1708/2018.

2. Despite the matter being taken up in the revised call, learned counsel for respondent No.1 has not appeared to contest the appeal on behalf of respondent No.1. Respondent No.2 has been placed *ex parte* as despite effecting service, he has neither appeared through the counsel nor in person.



3. The appellant/husband had filed the petition seeking decree of divorce to dissolve his marriage with respondent No.1 solemnized on 25.11.1984 on the ground of cruelty under Section 13(1) (ia) and (ib) of the Hindu Marriage Act, 1955. Out of the wed lock two children by name Manish Honnatti and Namrata Honnatti were born. The appellant is an ophthalmologist and has been running a private eye hospital under the name and style of Honatti Eye Hospital in Davangere, since 1979. The appellant sought the decree of divorce on the ground of cruelty and desertion. The Family Court on the basis of the pleadings framed the following issues for determination:

- 1) *"Whether the petitioner proves that the respondent subjected him to cruelty without any reasons as stated in the petition?"*
- 2) *Whether the petitioner proves that the respondent without any sufficient reasons deserted him for a period of two years as on the date of this petition?*
- 3) *Whether the petitioner is entitled for the relief claimed in the petition?*
- 4) *What order?"*



4. The appellant besides rendering his oral evidence had produced 25 documents including the romantic e-mail exchange between respondent and respondent No.2. Respondent No.1/wife is an Indian Classical Dancer and it appears respondent No.2 is also an artist.

5. The evidence tendered i.e., the numerous e-mails exchanged between the respondents have been discarded on the ground of not furnishing the certificate under Section 65B of the Indian Evidence Act, 1872.

6. It may be taken note of the fact that the e-mails were never denied by the respondent-wife. We have gone through the entire record and they suggest very intimate relationship between the respondents more than platonic, if we say so. Infidelity is a ground and that causes cruelty both psychological, mental torture some kind of embarrassment and disgust for either of the parties. When the respondent was confronted about the



conduct of intimacy with respondent No.2, she did not deny the allegation of her being close to respondent No.2.

7. When the relationship between respondent No.1 and respondent No.2, which would suggest intimacy certainly amounts to cruelty for the husband. The proceedings under the Hindu Marriage Act, 1955 are not the criminal proceedings where the charges are to be proved beyond reasonable doubt. The entirety of the facts and circumstances are to be considered and when the respondent-wife has not denied the e-mails brought on record, which would suggest the romantic relationship between her and respondent No.2, the evidence could not have been discarded merely on the ground that Section 65B certificate was not produced.

8. We are therefore of the view that the allegations of cruelty under Section 13(1)(ia) stand proved.

9. Learned counsel for the appellant submits that the appellant is willing to relinquish his share in favour of



the respondent-wife and will pay the monthly maintenance of Rs.25,000/- per month. Considering the said submission we pass the following:

ORDER

- i. The impugned judgment and decree dated 28.10.2017 passed by the Court of II Additional Principal Judge, Family Court, Bengaluru, in MC.No.1708/2018 is set aside.
- ii. The petition filed by the appellant succeeds and decree of divorce under Section 13(1)(ia) is granted, dissolving the marriage between the appellant and respondent solemnized on 25.11.1984.
- iii. The appellant shall relinquish his share in flat No.S-1 Ashraya Apartments, No.63, South Cross Road, Basavanagudi, Bengaluru-560004 and execute the



relinquishment deed within a period of two months from today.

- iv. The appellant shall pay monthly maintenance of Rs.25,000/- (Rupees Twenty Five Thousand only), till he is alive.

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

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

PK
List No.: 1 SI No.: 12; ct-vn