



CNR: KAHC010479662025

NC: 2026:KHC:46742-DB
MFA No. 5436 of 2025
C/W MFA No. 4829 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF AUGUST, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

MISCELLANEOUS FIRST APPEAL NO. 5436/2025(FC)

C/W

MISCELLANEOUS FIRST APPEAL NO. 4829/2025(FC)

IN MFA No. 5436/2025:

BETWEEN:

SRI. NARAYAN RAJAN,
S/O RAJAN KANINGHAT,
AGED ABOUT 50 YEARS,
R/AT BLOCK IV,2/1, SANKEY WEST VIEW,
SANKEY ROAD, BENGALURU -560 052.

...APPELLANT

(BY SMT. PRATHIMA S.K.,ADVOCATE)

AND:

SMT. SURBHI SHARMA
W/O NARAYAN RAJAN,
AGED ABOUT 51 YEARS,
R/AT BLOCK IV,2/1, SANKEY WEST VIEW,
SANKEY ROAD, BENGALURU -560 052.

...RESPONDENT

(BY SRI.ARUN GOVINDRAJ, ADVOCATE FOR C/R
(CP NO.10049/2025))

THIS MFA FILED U/S.19(1) OF FAMILY COURT ACT,
AGAINST THE JUDGMENT AND DECREE DT.28.04.2025 PASSED
IN MC NO.742/2024 ON THE FILE OF THE V ADDITIONAL PRL.
JUDGE, FAMILY COURT, BENGALURU, PARTLY ALLOWING THE
PETITION FILED U/S.13(1)(i) AND (i-a) R/W SEC.25 AND 26 OF
THE HINDU MARRIAGE ACT.

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by MALA K N
Location: HIGH
COURT OF
KARNATAKA



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IN MFA NO. 4829/2025:

BETWEEN:

SURBHI SHARMA,
AGED ABOUT 51 YEARS,
D/O BHUPENDER SHARMA,
R/A BLOCK IV, 2/1,
SANKEY WEST VIEW, SANKEY ROAD,
BENGALURU – 560 052.

...APPELLANT

(BY SRI. ARUN GOVINDRAJ, ADVOCATE AND
SRI. SUNIL.T.M., ADVOCATE)

AND:

NARAYAN RAJAN
S/O RAJAN KANINGHAT,
AGED ABOUT 49 YEARS,
R/A BLOCK IV, 2/1,
SANKEY WEST VIEW, SANKEY ROAD,
BENGALURU – 560 052.

...RESPONDENT

(BY SMT. PRATHIMA S.K.,ADVOCATE)

THIS MFA FILED U/S.19(1) OF FAMILY COURT ACT,
AGAINST THE JUDGMENT AND DECREE DT.28.04.2025
PASSED IN MC NO.742/2024 ON THE FILE OF THE V
ADDITIONAL PRL. JUDGE, FAMILY COURT, BENGALURU,
PARTLY ALLOWING THE PETITION FILED U/S.13 (1) (i) AND
(i-a) R/W SEC.25 AND 26 OF THE HINDU MARRIAGE ACT,
1955.

THESE APPEALS COMING ON FOR ADMISSION, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE D K SINGH
AND
HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN



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ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN)

These appeals are directed against the judgment and decree dated 28.04.2025 passed by the V Additional Principal Judge, Family Court, Bengaluru, in M.C.No.742/2024 ('the Family Court' for brevity) whereby the petition filed by the petitioner-wife under Section 13(1)(i) and (i-a) read with Sections 25 and 26 of the Hindu Marriage Act, 1955 ('the Act' for short), came to be allowed in part dissolving the marriage solemnized between the petitioner and the respondent.

2. For the sake of convenience, the parties shall be referred to as per their ranking before the Family Court.

3. The case of the petitioner-wife in brief is that the marriage between the parties was solemnized on 22.12.2002 and that though they continued to reside under the same roof, there had been no meaningful



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matrimonial relationship or cohabitation between them since about 2015. According to her, the respondent had gradually become controlling, short-tempered and emotionally distant, subjected her to repeated disparagement and humiliation, neglected his responsibilities as a husband and father and ultimately withdrew from the matrimonial relationship. She further alleged that the respondent had maintained relationships with other women and had engaged in conduct outside the marriage which caused her considerable mental agony and made continuation of the matrimonial relationship impossible. She, therefore, sought dissolution of the marriage on the grounds of 'adultery' and 'cruelty'.

4. The petitioner further relied upon a series of documents, including hotel bookings, flight records, social-media material, e-mails, WhatsApp conversations, payment records, bank statements and entries from the respondent's digital diary, to substantiate her allegations concerning his conduct and relationships with other



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women. She also relied upon the fact that legal notices had been issued in March 2023 seeking an amicable dissolution of the marriage and contended that the marriage had irretrievably broken down. In addition to dissolution of marriage, she sought permanent alimony of Rs.15 crore, asserting that the respondent was a successful entrepreneur having substantial business interests and income and that she and the children had throughout enjoyed a comfortable standard of living.

5. The petitioner examined herself as PW-1 and produced documents marked as Exs.P1 to P58. The Family Court noticed that the respondent, despite service of notice, remained absent and was placed *exparte* on 25.03.2024.

6. While the Family Court found that the material produced by the petitioner was insufficient to conclusively establish that the respondent voluntarily had sexual intercourse with another person, it held that the same



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material, when considered in the context of the matrimonial relationship as a whole, supported the petitioner's case of cruelty. In particular, the Court observed that the hotel records, flight bookings, communications and other documents did not, by themselves, establish adultery, but were relevant circumstances supporting the allegation of conduct which caused mental suffering to the petitioner.

7. The Family Court also took note of the petitioner's evidence that the parties had ceased cohabitation from 2015, that the respondent had become emotionally and physically distant from her and that his conduct had caused her mental harassment. Applying the settled principle that mental cruelty has to be assessed from the cumulative effect of the conduct of the parties and the circumstances in which the matrimonial relationship existed, the Court held that the petitioner's evidence remained uncontroverted and unchallenged and that she had established that the respondent had treated



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her with cruelty. Accordingly, it was held that petitioner had proved that the respondent had treated her with cruelty.

8. As regards permanent alimony, however, the Court found that the material produced by the petitioner did not sufficiently establish the respondent's actual income. Though the documents indicated his involvement in various Companies and substantial business activities, the Court found that the figures relied upon included projected income and did not satisfactorily establish his actual earnings. The Court also noted that the parties continued to reside in the same house and that the petitioner herself had stated that she and the children were leading a comfortable and luxurious life provided by the respondent. Consequently, the prayer for permanent alimony of Rs.15 crores was rejected.

9. Upon consideration of the pleadings and the uncontroverted evidence of PW-1, the Family Court



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concluded that although the allegation of voluntary sexual intercourse with another person had not been proved, the petitioner had established the ground of cruelty. Consequently, Point No.4 was answered partly in the affirmative and the marriage solemnized between the parties on 22.12.2002 was dissolved by a decree of divorce. The prayer for permanent alimony was rejected and there was no order as to costs.

10. Aggrieved by the said judgment and decree passed by the Family Court, the respondent/husband has preferred the present appeal before this Court, urging the following, amongst other, grounds. The petitioner has also challenged the said judgment and decree insofar as the learned Family Court has partly allowed the petition and declined to grant relief under Sections 25 and 26 of the Hindu Marriage Act. Thus, both the petitioner and the respondent have challenged the judgment and decree passed by the learned Family Court on different grounds



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arising out of the same proceedings and the same judgment and decree.

11. We have heard the arguments advanced on both sides and perused the material available on record.

12. The questions that fall for our consideration are:

"1. Whether the Family Court was justified in proceeding ex parte against the respondent?"

2. Whether the Family Court was justified in declining to grant the petitioner permanent alimony under Section 25 of the Hindu Marriage Act?"

In view of the course we propose to adopt, we do not deem it appropriate to enter into the merits of either issue at this stage and proceed to pass the following order.

13. We have considered the fact that both the petitioner and the respondent have challenged the judgment and decree passed by the learned Family Court



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on different grounds. The respondent has challenged, *inter alia*, the proceedings insofar as he was proceeded *ex parte* and the findings recorded against him, whereas the petitioner has questioned the judgment and decree insofar as her claim for permanent alimony and the reliefs sought under Sections 25 and 26 of the Hindu Marriage Act, have not been granted. However, in view of the nature of the controversy and the course which we propose to adopt, we do not deem it appropriate, at this stage, to enter into the merits of either of the appeals or examine the various grounds urged by the parties. Any finding on the merits at this stage may prejudice either of the parties. We are of the considered view that the matter requires to be reconsidered by the learned Family Court after affording both parties a fair and effective opportunity to participate in the proceedings, file their respective statements and lead their evidence.

Accordingly, both the appeals are allowed.



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The impugned judgment and decree dated 28.04.2025 passed by the V Additional Principal Judge, Family Court, Bengaluru, in M.C.No.742/2024 is hereby set aside;

The matter is remitted back to the Family Court for fresh consideration. The learned Family Court shall afford adequate opportunity to both the petitioner and the respondent to file their respective statements, lead oral and documentary evidence. Thereafter, the Family Court shall hear the parties and pass an appropriate order in accordance with law.

We make it clear that we have not expressed any opinion on the merits of the respective contentions or the grounds raised in either of the appeals and all questions are left open for consideration by the learned Family Court.

Having regard to the fact that the parties are presently of advanced age, the petitioner being about 51



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years and the respondent about 50 years, we request the learned Family Court to take up the matter on a day-to-day basis, as far as practicable and endeavour to dispose of the proceedings expeditiously and preferably within a period of six months from the date of receipt of a copy of this order, without granting unnecessary adjournments to either party.

Both parties shall appear before the learned Family Court on all dates of hearing and shall not seek unnecessary adjournments. In the event either party seeks an adjournment or otherwise attempts to delay the proceedings, the learned Family Court shall be at liberty to view such conduct seriously and proceed to pass appropriate orders in accordance with law.

For all practical purposes, the parties shall appear before the learned Family Court on **16th September 2026** without further notice from the Court.



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The Registry is directed to intimate the learned Family Court accordingly and if the Trial Court Records are received, the same may be transmitted to the concerned Family Court forthwith so as to enable it to take up the matter on the said date.

Both the appeals stand disposed of accordingly.

Sd/-
(D K SINGH)
JUDGE

Sd/-
(H.SHANTHI BHUSHAN)
JUDGE

KNM
List No.: 1 Sl No.: 16