



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF MARCH, 2026

PRESENT

THE HON'BLE MR. JUSTICE JAYANT BANERJI

AND

THE HON'BLE MR. JUSTICE RAJESH RAI K

M.F.A.NO. 6479 OF 2023 (FC)

C/W

M.F.A.NO. 707 OF 2024 (FC)

IN MFA No. 6479/2023

BETWEEN:

MRS.NAINA FOMAN,
AGED ABOUT 38 YEARS,
W/O DEEPAK CHABRIA,
R/A NO.32A, 3RD CROSS,
CASHIER LAYOUT,
TAVAREKERE ROAD,
B.T.M 1ST STAGE,
BENGALURU-560 029.

...APPELLANT

(BY SRI.RAVI SHANKAR.C.S., ADVOCATE)

AND:

MR.DEEPAK CHABRIA,
AGED ABOUT 42 YEARS,
S/O NANDLAL CHABRIYA,



R/A NO.589, I FLOOR,
I CROSS, BANAGIRINAGAR,
BANASHANKARI III STAGE,
BENGALURU-560 085.

...RESPONDENT

(BY SRI.BALAGANGADHARA.G.S., ADVOCATE)

THIS MFA IS FILED U/S 19(1) OF FAMILY COURTS ACT AGAINST THE JUDGMENT AND DECREE DATED 13.06.2023 PASSED IN M.C.NO.3989/2021 ON THE FILE OF THE VI ADDITIONAL PRL.JUDGE, FAMILY COURT, BENGALURU, PARTLY ALLOWING THE PETITION FILED UNDER SECTION 13(1)(i-a) AND (i-b) OF THE HINDU MARRIAGE ACT, 1955.

IN MFA NO. 707/2024

BETWEEN:

SRI.DEEPAK CHABRIA,
S/O NANDLAL CHABRIA,
AGED ABOUT 42 YEARS,
RESIDING AT NO.589,
1ST FLOOR, 1ST CROSS,
BANAGIRINAGAR,
BANASHANKARI III STAGE,
BANGALORE-560 085.

(AS SHOWN IN M.C. NO.3989/2021 PETITION)

ACTUALLY RESIDING AT:
NO.28, SRINIVAGILU,
AMANIKERE VILLAGE,



NC: 2026:KHC:15241-DB
MFA No. 6479 of 2023
C/W MFA No. 707 of 2024

S.T.BED LAYOUT, CAUVERY COLONY,
1ST BLOCK, KORAMANGALA,
BANGALORE-560 047.

...APPELLANT

(BY SRI.BALAGANGADHAR.G.S., ADVOCATE)

AND:

SMT.NAINA FOMAN,
AGED ABOUT 38 YEARS,
W/O. DEEPAK CHABRIA,
NO. 32/A, 1ST FLOOR,
3RD CROSS, CASHIER LAYOUT,
MARUTHI NAGAR,
BANGALORE-560 029.

...RESPONDENT

(BY SRI.RAVISHANKAR.C.S., ADVOCATE)

THIS MFA IS FILED UNDER SECTION 19(1) OF FAMILY COURT ACT, AGAINST THE JUDGMENT AND DECREE DATED 13.06.2023 PASSED IN M.C.NO. 3989/2021 ON THE FILE OF THE VI ADDITIONAL PRINCIPAL JUDGE, FAMILY COURT, BENGALURU, PARTLY ALLOWING THE PETITION FILED UNDER SECTION 13(1)(i-a) AND (i-b) 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 JAYANT BANERJI
and
HON'BLE MR. JUSTICE RAJESH RAI K



ORAL JUDGMENT

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

1. Heard learned counsel for the parties.
2. In MFA No.6479/2023, the wife - appellant has challenged the impugned judgment and decree dated 13.06.2023 in M.C.No.3989/2021 passed by the Court of the VI Additional Principal Judge, Family Court, Bengaluru disentitling her to permanent alimony. In the connected MFA No.707/2024, the husband has challenged the aforesaid decree which was passed *exparte*.
3. The contention of the counsel appearing for the husband is that he had no notice of the proceedings before the Family Court. It is stated by the learned counsel appearing for the husband that after the aforesaid M.C.No.3989/2021 was decided by the Family Court, on 24.11.2023, he filed an original suit bearing O.S.No.474/2023 before the VI Additional Principal Judge, Family Court, Bengaluru. When the written statement was



filed on behalf of the wife, it is from the written statement that the husband came to know about the judgment and decree that is impugned in the aforesaid appeals. It is stated that the husband had no information and therefore, the matter be remanded to the Trial Court.

4. It is noted from perusal of the original record of M.C.No.3989/2021 that after notice through ordinary process was returned unserved, paper publication was resorted to and only thereafter, the husband was placed *exparte*. Under the provisions of Order XX Rule 5 of the Code of Civil Procedure, 1908, there is a deemed service of notice on the husband. A provision of law that deems service, cannot be sought to be discarded so lightly as being indicated by the appellant. However, in our considered opinion, the wife can be adequately compensated and the ends of justice duly served, if appropriate cost is imposed on the husband payable to the wife, while remitting the matter back to the Trial Court for due adjudication.



5. In the circumstances, the MFA No.707/2024 is ***allowed***. The impugned judgment and decree dated 13.06.2023 in M.C.No.3989/2021 passed by the VI Additional Principal Judge, Family Court, Bengaluru is *set aside*, subject to payment of cost of Rs.45,000/- by the husband to the wife. The matter is remanded to the jurisdictional Court for decision afresh.

6. The parties who are represented through their respective advocates shall appear before the Family Court on 01.04.2026. The amount of cost that is directed aforesaid shall be paid to the wife before the Court concerned. If, for some reason, the Court is vacant or is not available, the parties shall appear before the Court on the next working day. The parties shall be present in the Court at 10.30 a.m. The Family Court shall proceed with the matter after affording an opportunity to the husband to file a written statement.

7. It is made clear that no unnecessary adjournment shall be granted to either of the parties. If any



adjournment is sought, the same shall be carefully scrutinized and appropriate cost be imposed, if need be.

8. Since we have set aside the impugned judgment and decree passed in M.C.No.3989/2021, the Miscellaneous First Appeal No.6479/2023 is rendered infructuous and is accordingly ***disposed of***.

9. Learned counsel for appearing for the wife states that the matter be directed to be disposed of within the time bound period. However, at this stage and under the circumstances we do not deem it fit to pass any such direction.

Sd/-
(JAYANT BANERJI)
JUDGE

Sd/-
(RAJESH RAI K)
JUDGE

GH
List No.: 1 Sl No.: 3