



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF JUNE, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

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

MISCELLANEOUS FIRST APPEAL NO. 7604 OF 2022 (FC)

BETWEEN:

MR. PUSHPARAJ SHETTY,
S/O RAMA SHETTY S.N.,
AGED ABOUT 40 YEARS,
R/A BENAKA, PERLAGURI,
PADAVINANGADY,
KAVOOR POST,
MANGALURU - 575 015.

...APPELLANT

(BY SRI. AJAY PRABHU M., ADVOCATE)

AND:

MRS. CHITRA S.,
W/O PUSHPARAJ SHETTY,
AGED ABOUT 36 YEARS,
PRESENTLY R/AT
RAGHAVENDRA NILAYA,
GURUNAGARA,
MARYHILL, KONCHADY POST,
MANGALURU - 575 001.

...RESPONDENT

(BY SRI. VISHWAJITH RAI M., ADVOCATE)



THIS MFA IS FILED UNDER SECTION 19(1) OF FAMILY COURT ACT, AGAINST THE JUDGMENT AND DECREE DATED:27.09.2022 PASSED IN MC NO.465/2019 ON THE FILE OF THE PRL. JUDGE, FAMILY COURT, D.K.MANGALURU, PARTLY ALLOWING THE PETITION FILED UNDER SECTION 13(1)(ia)(ib) OF THE HINDU MARRIAGE ACT, 1955.

THIS APPEAL, COMING ON FOR HEARING, 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 under Section 19(1) of the Family Courts Act, 1984 has been filed impugning the judgment and decree dated 27.09.2022, passed by Principal Judge, Family Court, D.K.Mangaluru in M.C.No.465/2019, instituted by respondent-wife, seeking decree of divorce on the ground of cruelty and desertion.

2. The respondent-wife is well qualified having M.Com and MBA degrees in her credit. She is working as lecturer in St. Aloysius College (Autonomous), Mangaluru, whereas the appellant-husband is working in IBM. His



educational qualification is Diploma in Electronics and pursuing BCA. The marriage between the parties was solemnized on 30.05.2014 in Mangaluru.

3. The daughter-Gauravi Shetty was born on 12.01.2016, out of the wedlock. She is around 11 years of age and staying with her mother. It appears that the respondent-wife's effort to save the marriage and live together were not fruitful, and therefore, she filed the divorce petition as stated above.

4. In response to the divorce petition, the appellant-husband herein has filed petition seeking restitution of conjugal rights. On the basis of the pleadings, the learned Family Court framed the following issues for consideration:

- "1. Whether the petitioner/wife is entitled for dissolution of her marriage by way of decree of divorce on the ground of cruelty and desertion?*
- 2. Whether the petitioner/wife is entitled for the permanent alimony as sought?*
- 3. What Order?"*



5. The learned Family Court has decided Issue No.1 in Affirmative in favour on the respondent-wife regarding alimony. The learned Family Court granted Rs.25,00,000/- towards full and final settlement of all the claims of the respondent-wife by the impugned judgment and decree.

6. So far as finding on issue No.2 recorded by the Family Court is concerned, the learned counsel appearing for the appellant-husband has not seriously disputed those findings. However, he submits that the permanent alimony of Rs.25,00,000/- granted by the Family Court in favour of the respondent-wife is very excessive and enormous considering the educational qualification of the appellant-husband and his job is a private venture.

7. It is also submitted that respondent-wife is well qualified and gainfully employed drawing handsome salary and she is in a position to maintain herself. Therefore, the order of alimony of Rs.25,00,000/- passed by the Family Court is unsustainable on facts of the present case.



8. On the other hand, the learned counsel for the respondent-wife has submitted that it is the respondent-wife who is taking care of minor child. The education of the child, her well being and marriage etc., are to be performed for which a substantial amount is required to be spent. However, he has left it to the discretion of the Court to award appropriate alimony, as this Court may think just and appropriate in the facts and circumstances of the case in favour of the daughter.

9. We have considered the submissions, so far as the Issue No.1 regarding the respondent-wife's petition for divorce is concerned, we find no scope to interfere with the decree of divorce. So far as the question of alimony is concerned, considering the educational qualification of the appellant and the nature of job in a private venture, we modify the order of alimony and direct appellant-husband to deposit Rs.15,00,000/- in the name of daughter in an interest bearing FDR and the mother should be named as 'Guardian' in the said FDR. The original FDR should be



handed over to the mother. The said amount can be withdrawn, when the daughter attains the age of the majority. The appellant is directed to deposit Rs.15,00,000/- within a period of eight weeks from today.

10. With the aforesaid modification in the impugned judgment and decree, we ***dispose of*** the present appeal.

11. We make it clear that the appellant-husband may visit the child with prior intimation to the respondent-wife on Saturdays/Sundays and take her out for some time in Mangaluru area, however, he should be accompanied with his mother/sister while visiting the child.

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

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

RR
List No.: 1 Sl No.: 13