



CNR: KAHC010534672026

NC: 2026:KHC:47275
WP No. 24137 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF AUGUST, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

WRIT PETITION NO.24137 OF 2026 (GM-FC)

BETWEEN:

SMT. VIDYA POOJAR,
W/O. SRI HOLEYAPPA A.,
D/O. COMRADE AVARAGERE CHANDRU,
AGED ABOUT 31 YEARS,
RESIDING AT AVARAGERE VILLAGE
DAVANAGERE-577003.

...PETITIONER

(BY SRI. GNANESH N. I., ADVOCATE)

AND:

SRI. HOLEYAPPA A.,
S/O. HOLEYAPPA SHIVAPPA,
AGED ABOUT 33 YEARS,
R/OF OPP. LITTLE PARRIS SCHOOL,
BAMBOO BAZAR,
DAVANAGERE-577001.

...RESPONDENT

(BY SRI. G.J.SUNKAPUR, ADVOCATE)

Digitally
signed by
AASERFA
PARVEEN

Location:
HIGH COURT
OF
KARNATAKA

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT, ORDER OR DIRECTION OR ANY OTHER WRIT IN THE NATURE OF CERTIORARI QUASHING THE COMMON ORDER DATED 18.07.2026 PASSED ON IA NOS.V, VI AND VII IN M.C. NO.254/2023 BY THE LEARNED FAMILY COURT JUDGE, DAVANAGERE, REJECTING THE APPLICATIONS FILED BY THE PETITIONER TO RECALL THE ORDER DATED 29.06.2026, PRODUCED AT ANNEXURE-L AND ETC.



THIS PETITION, COMING ON FOR 'PART-HEARD', THIS DAY, ORDER WAS MADE THEREIN AS UNDER:
CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

ORAL ORDER

Heard Sri.Gnanesh N.I., learned counsel for petitioner as well as Sri.G.J. Sunkapur, learned counsel for respondent.

2. Seeking the Court to issue a writ of certiorari and to quash the common order passed by Family Court, Davanagere on IA Nos.V to VII in MC No.254/2023 dated 20.07.2026 (wrongly mentioned as 18.07.2026 in the prayer portion of the writ petition) this writ petition is filed.

3. As the relationship between the parties is not in dispute, they will be hereinafter referred to as 'wife' and 'husband'. Husband filed a petition before the Family Court, Davanagere, seeking a decree of dissolution of marriage and the same came to be numbered as MC No.254/2023. Notice was served upon wife. Wife entered



into appearance but failed to file her statement of objections as per the material available on record for considerable period. While the proceedings were going on, she moved three interlocutory applications i.e. IA No.V to VII requesting the Family Court to reopen the case, to set aside the order through which her statement of objections were taken as 'Nil' and to permit her to file statement of objections. Family Court, Davanagere, dismissed all the three interlocutory applications and aggrieved by the same this writ petition is filed.

4. Learned counsel who represents the petitioner/wife submits that the matter was referred to mediation five times and petitioner/wife was expecting settlement of matter amicably and therefore she failed to file her statement of objections. Finally she could understand that there are no chances of amicable settlement. Hence, she sought Court to reopen the case, to set aside the order by which her statement of



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objections were taken as 'Nil' and to permit her to file statement of objections. But, Family Court dismissed all the three applications through the impugned common order. Learned counsel states that a fair opportunity may be given to the petitioner/wife to contest the matter by filing her statement of objections and by adducing evidence.

5. Vehemently opposing the submission thus made, learned counsel for respondent contends that when the case was filed by respondent/husband in the year 2023, in the year 2026, she moved these applications seeking to permit her to file statement of objections. Learned counsel also states that the petitioner/wife participated in the proceedings all through, she filed an interlocutory application claiming interim maintenance, got a favourable order and was receiving interim maintenance from respondent/husband every month. However, she has not taken care to file statement of objections.



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Respondent/husband examined three witnesses on his side and even at that time she did not take care to file statement of objections. She has not cross examined those witnesses. Thus, there are no grounds to give any opportunity to the petitioner and thus Family Court rightly dismissed all the three applications.

6. Material available on record reveals that the case in MC No.254/2023 was filed by respondent/husband on 22.06.2023. Notice was issued to the petitioner/wife. Notice was served upon her. She engaged a counsel of her choice and filed an application to permit said counsel to represent her. Permission as prayed for was accorded and the same is evident through order dated 16.01.2024. The matter was referred for conciliation and mediation, but both failed. Wife was directed to file her statement of objections and time was granted for filing. But she did not file the statement of objections and thus recording the same, the Court proceeded with trial of the case. Wife



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during the course of proceedings filed an interlocutory application seeking interim maintenance and said application i.e. IA No.III was allowed through order dated 27.09.2024 and husband was directed to pay her a sum of Rs.3,000/- per month towards interim maintenance. During the course of proceedings, husband got examined himself as PW1 and he produced the evidence of two more witnesses. Time was granted to the wife to cross examine the witnesses, but she did not. When the matter was posted for arguments, she came with these three interlocutory applications seeking the Court to reopen the case and to permit her to file her statement of objections. Perceiving gross negligence on part of the wife in conducting the case, the Family Court through the impugned order rejected her request.

7. The main object of establishment of Family Courts is to secure speedy settlement of disputes relating to marriage and family affairs. In the case on hand,



negligent attitude of petitioner/wife in pursuing the matter is evident.

8. If a woman has initiated proceedings against a man and said man fails to file his counter/objections within reasonable time, it will certainly be held that her grievance is required to be addressed immediately and hence no lenience can be shown. However, same analogy applies even if a man has initiated proceedings against a woman and the woman is negligent. Law of Limitation does not discriminate on gender basis. Every individual who comes before the Court is required to be bound by the timelines and should cooperate with the Court for expidious disposal of the matters pending before it.

9. However, having perceiving the fact that the case is between husband and wife and several attempts were made for amicable settlement of disputes, this Court is of the view that a final and fair opportunity is required to be given to the petitioner/wife to state her version



through statement of objections. But, having considered the fact that the other side i.e. the respondent/husband will be deprived of timely justice, this Court is of the view that petitioner/wife can only be permitted to file her statement of objections conditionally. Therefore, the writ petition is disposed of with the following

ORDER

The common order rendered by the Family Court, Davanagere, on IA Nos.V to VII in MC No.254/2023 is set aside conditionally.

a) Petitioner/wife shall pay respondent/husband a sum of Rs.10,000/- towards costs.

b) Petitioner/wife will be permitted to file her statement of objections before the Family Court, Davanagere, only on payment of costs to respondent/husband.



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c) Petitioner/wife shall cross examine PWs.1 to PW.3 on the date fixed by the Family Court, Davanagere and on the date of their appearance without seeking any adjournment.

d) Entire cross examination shall be completed on the same day except where Family Court, Davanagere, on justifiable grounds adjourn the matter.

e) Petitioner/wife shall produce all her evidence on the date given by the Family Court, Devanagere, without seeking any further time.

f) In case petitioner/wife seeks adjournment without justifiable cause, Family Court, Davanagere is given liberty to struck down her defence.

g) All endeavour be made by Family Court, Davanagere, to dispose of the case on merits as expeditiously as possible, preferably within a period of



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three months from the date of receipt of copy of this order.

h) Registry to forward copy of this order to the concerned Court forthwith.

**Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE**

AP
CT:TSM
List No.: 1 Sl No.: 18