



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF JANUARY, 2026

PRESENT

THE HON'BLE MR. JUSTICE JAYANT BANERJI

AND

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

MISCELLANEOUS FIRST APPEAL NO. 8324 OF 2022 (MC)

BETWEEN:

SMT. RAJESHWARI,
W/O HANUMANTHARAYAPPA,
AGED ABOUT 51 YEARS,
R/AT: MUDIMADU VILLAGE,
KALLAMBELLA HOBLI,
SIRA TALUK,
TUMKUR DISTRICT - 572 130.

...APPELLANT

(BY SRI. RAJU S., ADVOCATE)

AND:

HANUMANTHARAYAPPA,
S/O. CHIKKA OBALIAH,
AGED ABOUT 56 YEARS,
WORKING AT PHC KOLALA VILLAGE,
KORATAGERE TALUK,
NOW R/AT: SOMPURA VILLAGE,
HOLAVANAHALLI HOBLI,
KORATAGERE TALUK,
TUMKUR DISTRICT - 572 130.

...RESPONDENT

(BY SRI. C. PATTABI RAMAN, ADVOCATE)



THIS MFA IS FILED UNDER SECTION 28(1) OF HINDU MARRIAGE ACT, AGAINST THE JUDGMENT AND DECREE DATED 29.07.2022 PASSED IN MC NO.111/2020 ON THE FILE OF THE SENIOR CIVIL JUDGE AND JMFC (ITINERATE COURT), KORATAGERE, 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 JAYANT BANERJI
and
HON'BLE MR. JUSTICE T.M.NADAF

ORAL JUDGMENT

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

A second set of the statement of objection has been filed today in Court by the learned counsel for the respondent, which is accepted.

2. The short point being urged by learned counsel for the appellant is that the impugned order was passed leading to grant of decree of divorce under provisions of Section 13(1) (ia) (ib) of the Hindu Marriage Act, 1955, without due notice of the transfer of the file from the Court of the Principal Senior Civil Judge and JMFC, Madhugiri to



the Senior Civil Judge and JMFC, (Itinerate Court), Korategere, for disposal.

3. It is stated that the matter was listed on 07.07.2022, but before that date on 05.07.2022 itself, in view of a notification received from the High Court, the case was transferred to the Court at Korategere. The matter was taken up on 07.07.2022, before the transferee Court on which date the respondent was absent and the evidence of the respondent was taken as no evidence. Arguments of the learned counsel for the appellant were heard. For respondent's argument, 14.07.2022 was the date fixed. On 14.07.2022, the respondent was noted as absent with no representation and hence, her arguments were taken as not advanced. The case was then listed for judgment, which was pronounced in open Court on 29.07.2022.

4. Learned counsel for the respondent has referred to paragraph No.5 of the statement of objection in which,



the ignorance of the appellant regarding the transfer of the case to the transferee Court, is specifically denied. No specific reference has been made that whether notice was personally served to the appellant and sufficient opportunity was provided to the appellant.

5. We have perused the order sheet of the trial Court and we find that the matter requires interference. The impugned judgment and decree are therefore set aside and the matter is remanded to the Competent Court to take a decision afresh after hearing the learned counsel for the respondent. This case shall be started from the status existing as on 07.07.2022.

6. The parties are directed to appear before the Competent Court on 03.02.2026 at 11.00 a.m. The Court Competent is requested to fix an appropriate date and then proceed with the matter.



7. It is made clear that the respective parties may make all submissions and defences as are permissible. The appeal is accordingly ***allowed***.

Pending applications, if any, stand disposed of.

**Sd/-
(JAYANT BANERJI)
JUDGE**

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

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List No.: 1 Sl No.: 25
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