



CNR: KAHC010590622026

NC: 2026:KHC:47206
WP No. 26971 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.26971 OF 2026 (GM-FC)

BETWEEN:

SMT. ASHA B. P.,
AGED ABOUT 28 YEARS,
W/O. R.M. HALESH,
D/O. PARAMESHWARAPPA,
R/O. KANAGONDANAHALLI VILLAGE,
DAVANAGERE TALUK-577204.

...PETITIONER

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

AND:

SRI. R. M. HALESH,
AGED ABOUT 36 YEARS,
S/O. LATE MAHESHWARAPPA,
R/A HALESHAPURA DAVANAGERE,
TALUK DISTRICT,
PIN CODE - 577 003.

PRESENTLY RESIDING AT:
B. M. P. - 08, 3RD MAIN
4TH CROSS, LEFT MALLESHPALYA,
NEW THIPPASNSANDRA,
J. M. PALYA POST,
BENGALURU - 560 075.

...RESPONDENT

(SERVICE OF NOTICE TO RESPONDENT
IS DISPENSED WITH, V/O. DATED 31.08.2026)

Digitally signed
by AASEEFA
PARVEEN

Location: HIGH
COURT OF
KARNATAKA



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THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASHING THE ORDER DATED 13-07-2026 PASSED BY THE PRINCIPAL JUDGE, FAMILY COURT AT DAVANAGERE IN FR MC NO.234/2026 AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

ORAL ORDER

Heard Sri.Chidambara.G.S, learned counsel for the petitioner.

2. As the issue of jurisdiction is involved and as the impugned order came to be passed by the Family Court, Davanagere, regarding maintainability of the case before issuance of notice to respondent, this Court is of the view that this writ petition can be disposed of dispensing service of notice to the respondent. Thus notice to respondent is dispensed with.

3. This writ petition is filed seeking the Court to quash the order passed by the Court of Principal Judge,



Family Court, Davanagere in FRMC No.234/2026 dated 13.07.2026.

4. Learned counsel for the petitioner submits that petitioner is the wife of respondent. After she was driven out from the matrimonial home by respondent/husband, she started residing at her parents' house which is located at Kanagondanahalli Village of Davanagere Taluk. Seeking the Court to grant decree of divorce, she filed a case under Section 13(1)(ia) of Hindu Marriage Act. Before the same Court she filed a petition under Section 144 of BNSS seeking maintenance. In both the cases, office took an objection regarding jurisdiction. Family Court overruled the office objection raised in the petition filed under Section 144 of BNSS. However, in the petition filed seeking decree of divorce, Family Court passed orders holding that it has no jurisdiction to entertain the petition. Aggrieved by the findings thus given, this writ petition is filed.



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5. Learned counsel also states that respondent/husband filed MC No.3216/2026 before Family Court, Bengaluru seeking restitution of conjugal rights. In the said case, respondent has shown the residential particulars of the petitioner and he himself narrated that she is residing at Kanagondanahalli Village of Davanagere Taluk. Thus it is clear that she is residing at said place. But Family Court, Davanagere unjustifiably returned the case filed by the petitioner seeking divorce to be presented before the proper Court. Learned counsel thereby seeks to set aside the impugned order.

6. Section 19 of the Hindu Marriage Act, 1955, which deals with jurisdiction and procedure to be followed reads as under:

19. Court to which petition shall be presented -

Every petition under this Act shall be presented to the district court within the local limits of whose ordinary original civil jurisdiction—

(i) the marriage was solemnised, or

(ii) the respondent, at the time of the presentation of the petition, resides, or



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(iii) the parties to the marriage last resided together, or

(iia) in case the wife is the petitioner, where she is residing on the date of presentation of the petition, or

(iv) the petitioner is residing at the time of the presentation of the petition, in a case where the respondent is, at that time, residing outside the territories to which this Act extends, or has not been heard of as being alive for a period of seven years or more by those persons who would naturally have heard of him if he were alive.

7. Thus in case wife is the petitioner, she can present the petition invoking the provisions of Hindu Marriage Act, 1955 at the place where she resides as on the date of presentation of such petition. The petition seeking decree of divorce as per the certified copy of the proceeding sheet reveals that it was filed on 08.06.2026. In the petition filed by husband seeking restitution of conjugal rights, he clearly contended that in the month of November 2025, father of respondent/wife took her to his house for Deepavali Festival and she never returned to the matrimonial house thereafter. As earlier stated, the petition seeking decree of divorce was filed on 08.06.2026. Therefore, it is clear that petitioner/wife



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resides at her parents' place. Thus Family Court Davanagere ought not to have returned the petition filed by the petitioner seeking decree of divorce. Therefore, this Court is of the view that the impugned order is unsustainable in the eye of law. Hence, the writ petition is disposed of with the following:

ORDER

- (i) The order passed by the Court of Principal Judge, Family Court, Davanagere in FRMC No.234/2026 dated 13.07.2026 is set aside.
- (ii) The Court of Principal Judge, Family Court, Davanagere is directed to entertain the petition filed by petitioner seeking decree of divorce and deal with the matter in the manner provided under law.
- (iii) However in case, respondent/husband after making his appearance, questions the jurisdiction of the Court to deal with the matter by filing an interlocutory application in that regard, Family Court, Davanagere



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is directed to deal with that application, subjecting the material brought on record to scrutiny in respect of jurisdiction and pass appropriate orders in that regard.

(iv) The writ petition is accordingly disposed of.

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE

NS
CT:TSM
List No.: 1 Sl No.: 30