



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD 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. 7422 OF 2025 (FC)

BETWEEN:

SRI. NANDEESH H.R.,
S/O LATE H.M. RAJA MALLAPPA,
AGED ABOUT 57 YEARS,
R/AT ALT TRAINING COLLEGE,
KAIGONDANAHALLI, SARJAPURA
BELLANDUR,
BENGALURU - 560 035.

AND R/AT C/O VEDANANDA MURTHY,
6TH MAIN ROAD, JNANABHARATHI,
JNANAJOTHINAGAR,
BENGALURU - 560 056.

NOW R/AT NANDEESH H.R.,
S/O H.M. RAJA MALAPPA,
CHELUR HOBLI, GUBBI TALUK,
C.HARIVENSANDRA,
TUMAKURU -572 216.

...APPELLANT

(BY SRI. SOMASHEKHARAIH.R.P., ADVOCATE)

AND:

1. SMT. K.S. MAMATHA,
W/O NANDEESH H.R.,
AGED ABOUT 49 YEARS,
C/O BASAVANNADEVARA MATTA,



MANJUNATHA GIRL HIGH SCHOOL,
WORKING AS LAB ASSISTANT,
NELAMANGALA,
BENGALURU RURAL - 562 123.

...RESPONDENT

(BY SRI.DAYANANDA HIREMATH AND
SRI. MAHESH D. ADVOCATE FOR C/RESPONDENT)

THIS MFA IS FILED UNDER SECTION 19(1) OF FAMILY COURT ACT, AGAINST THE JUDGMENT AND DECREE DATED:25.07.2025 PASSED IN MC NO.2185/2016 ON THE FILE OF THE PRL. JUDGE, FAMILY COURT, BENGALURU, ALLOWING THE PETITION FILED U/S.13(1)(ia)(ib) OF THE HINDU MARRIAGE ACT, 1955.

THIS APPEAL, COMING ON FOR ADMISSION, 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 T.M.NADAF)

This appeal by the petitioner - husband in M.C.No.2185/2016, assailing the Judgment and Decree dated 25.07.2025 passed by the Prl. Judge, Family Court, Bengaluru¹.

¹ 'the Family Court', for short



2. The Family Court under the impugned Judgment and Decree, allowed the petition filed by the petitioner seeking dissolution of marriage solemnized on 24.02.2000 between the petitioner and respondent both on the ground of Cruelty as well as Desertion. That apart, the Family Court on consideration of I.A.No.13 filed by the respondent wife, passed an order directing the petitioner to pay permanent alimony of Rs.10,00,000/- to the respondent for education of son and marriage expenses of daughter. This appeal is restricted only with respect to direction to pay permanent alimony awarded by the Family Court, while answering Point No.4.

3. The parties are referred to as per their ranking before the Family Court.

4. Facts germane to file the present appeal are as under:

The petitioner and respondent were husband and wife. Their marriage was solemnized on 24.02.2000 at C.Harivesandra, Gubbi Taluk, Chelur Hobli, Tumakur District. From the wedlock, they were blessed with two children namely Harshitha.N and Rakshith.N. As on the date of filing of the



petition in the year 2016, the children were aged 16 and 10 years respectively, now both are major. As per the allegations and counter-allegations, it appears that in the year 2012, marital discord surfaced their separation and both were living apart. The wife along with children got separated and raising them.

5. The petitioner husband as per his claim, suffered disability of 50% to the left leg. He submitted that he is unemployed and depending on his elder brother for his day to day expenses. It is also submitted by the petitioner that during the period of marital company till 2012, he has purchased a site in the name of the respondent in the year 2006, which the respondent denies and states that she has purchased the said site with the assistance of her mother. It is also admitted fact that there are several other proceedings such as 125 proceedings by wife seeking maintenance as well as suit seeking partition in respect of 28 Guntas of land fallen to the share of the petitioner. The suit came to be decreed declaring the shares to the children and Final Decree Proceedings is now pending before the Court for adjudication.



6. It is not in dispute that the respondent is working as Lab Assistant in a School belonging to Siddaganga Institution as per the evidence recorded and in cross-examination recorded on 30.01.2025, the wife has admitted that, as on that date she was paid Rs.50,000/- per month.

7. The decree of divorce is not under challenge by the respondent - wife. In her cross-examination she has stated that she has no intention of returning back to her husband to lead a marital life. Perhaps, this may be reason for her not to challenge the order passed by the Family Court dissolving the marriage. This appeal is therefore, restricted only with respect to direction to pay permanent alimony of Rs.10,00,000/-.

8. Heard, Sri.Somashekaraiah.R.P, learned counsel appearing for the petitioner-husband and Sri.Dayananda Hiremath, learned counsel appearing for the respondent-wife.

9. Though several grounds are urged by the respective parties, both the parties and their counsel are not in serious dispute with regard to unemployment of the petitioner-husband and disability of 50% suffered to his left leg. Admittedly, the respondent is working and earning more than Rs.50,000/- per



month, children are now major and daughter is now employed and earning. In that view of the matter, the only dispute which required to be answered is with regard to the amount of Rs.10,00,000/- directed to be paid to the respondent - wife as permanent alimony for education of son and marriage expenses of daughter.

10. Considering the overall arguments and submissions of the respondent, who is not in serious dispute with regard to 50% disability suffered by the petitioner, his unemployment, as well as the fact that the daughter has attained majority, now employed & earning, that the son has also attained majority i.e., 20 years as of now, so also decree in the partition stated afore, we are of the considered opinion that, if the permanent alimony directed to be paid by the Family Court is reduced to Rs.5,00,000/-, the same would meet the ends of justice. This is for the reason that the respondent - wife has brought up the children since 2012, providing them with education and making them self-reliant. There is no contra material produced by the petitioner to show that he had contributed any amount towards the educational expenses of the children. Though the petitioner



is presently unemployed and has suffered 50% disability to the left leg, the fact remains that he owns agricultural land. However, there is already a decree declaring the shares of the children in the said property and Final Decree Proceeding is pending for consideration.

11. The petitioner is granted two months' time from the date of receipt of the certified copy of this order, to deposit the entire sum of Rs.5,00,000/- in the account of the respondent in two equal monthly installments of Rs.2,50,000/- each. With this modification, the appeal is ***allowed in part***. Given the facts and circumstances of the case, no order as to costs.

12. In view of disposal of the appeal, pending interlocutory applications, if any, stand disposed of.

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

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

TKN
List No.: 1 Sl No.: 30
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