



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH 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. 8168 OF 2025 (FC)

BETWEEN:

1. SHASHI KUMAR N
S/O NARASIMHAIAH,
AGED ABOUT 28 YEARS,
R/AT NO. 125, 14th MAIN,
8th F CROSS,
ATTIGUPPE
VIJAYANAGAR,
BENGALURU 560 040

ALSO AT
NO. 624, A JANASHREE NAGARA,
NEAR PAVITHRA SCHOOL
MANGANAHALLI,
BENGALURU-60

...APPELLANT

(BY SRI. ANIL R., ADVOCATE)

AND:

1. SMT ANUSHA V N
D/O VENKATARAJU
AGED ABOUT 23 YEARS,
R/AT RANGANATTHAPURA VILLAGE,
SHIRA TALUK,
MARADIGUDDA

Digitally
signed by
VASANTHA
KUMARY B K
Location:
HIGH
COURT OF
KARNATAKA



TUMAKURU DISTRICT

...RESPONDENT

(BY SRI. SHIVAKUMARAPPA.T.C., ADVOCATE FOR
C/RESPONDENT)

THIS MFA IS FILED UNDER SECTION 19(1) OF FAMILY COURT ACT, AGAINST THE JUDGMENT AND DECREE DATED: 26.09.2025 PASSED IN MC NO. 6418/2022 ON THE FILE OF THE I ADDITIONAL PRINCIPAL JUDGE, FAMILY COURT, BANGALORE, ALLOWING THE PETITION FILED UNDER SECTION 13(1)(v) OF THE HINDU MARRIAGE ACT.

THIS APPEAL, COMING ON FOR ORDERS, 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)

Heard Mr. Anil R., learned counsel for the appellant and Mr.Shivakumarappa T.C., learned counsel for the respondent.

2. The appellant had filed a petition under Section 13(1) (v) of the Hindu Marriage Act, 1955 seeking dissolution of marriage between him and the respondent, which was solemnized on 04.05.2022. Out of the said wedlock a girl child



was born on 08.05.2023, who is around three years old at present.

2. The allegation in the petition against the respondent-wife was that she was suffering from AIDS before marriage and she did not disclose her medical condition to the appellant-husband before marriage. Subsequently, on 24.09.2022, a medical examination revealed her to be HIV⁺ and it was advanced to AIDS. The Family Court on the basis of the pleadings of the parties framed the following issues:

- "1. Whether the petitioner establishes the marital relationship between himself and the respondent?*
- 2. Whether the petitioner further proves that fraud was played on him by the respondent by suppressing the fact that the respondent was suffering from AIDS?*
- 3. Whether the petitioner further proves that the respondent is suffering from venereal disease?*
- 4. Whether respondent entitled for maintenance of Rs.40,000/- per month as sought in the objection statement?*
- 5. Whether the petitioner is entitled for dissolution of marriage?*
What order or decree?"



3. The Family Court decided the issue Nos.1 to 5 together and held that no fraud was played by the respondent-wife on the appellant-husband and no facts regarding her suffering from AIDS were withheld from the appellant-husband prior to marriage. So far as the issue No.3 is concerned whether the respondent-wife is suffering from a venereal disease, the Family Court has held in affirmative. Regarding quantum of maintenance, the Family Court has awarded maintenance of Rs.10,000/- to the minor daughter and Rs.10,000/- to the respondent-wife, based on the bank statement and income of the appellant-husband.

4. Learned counsel for the appellant submits that the appellant is aggrieved only by the quantum of maintenance awarded by the Family Court i.e, Rs.20,000/- (comprising Rs.10,000 for the child and Rs.10,000/- for the wife). Learned counsel for the appellant vehemently argued that the Family Court has wrongly placed reliance on the statement that the appellant is the owner of the G-Boutique while the appellant is only doing cut piece tailoring work and he has no income to pay monthly maintenance to the respondent-wife. He, therefore,



submits that since the appellant has not made a mistake and the respondent has contracted HIV, he cannot be compelled to pay maintenance.

5. On the other hand learned counsel for the respondent-wife supported the impugned order passed by the Family Court and submitted that the appellant's income is much more what he has projected. In fact the Family Court ought to have granted higher maintenance looking at the medical condition of the respondent-wife and the minor child who is only three years old. He, therefore, submits that the appeal may be dismissed as it has no force.

6. We have considered the submissions of the learned counsel for the parties.

7. Considering the facts and evidence brought on record before the Family court, we are of the considered view that the order of maintenance requires some modification. Therefore, we, modify the order of maintenance and direct the appellant to pay Rs.10,000/- per month to the daughter and



Rs.5,000/- to the respondent-wife from the date of I.A.No.VII
i.e., 16.06.2023

8. With the aforesaid modification in the order passed
by the Family Court, we ***dispose of*** this appeal.

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

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