



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF APRIL, 2026

PRESENT

THE HON'BLE MR. JUSTICE JAYANT BANERJI

AND

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO. 8397 OF 2025 (FC)

BETWEEN:

SRI. MUDIT MEHROTRA
S/O ATUL KUMAR MEHROTRA
AGED 44 YEARS,
PRESENTLY R/AT H.N 602,
VIJAY LAXMI NAGAR, SITAPUR,
UTTAR PRADESH-261001

OLD ADDRESS – 344/A, 2ND FLOOR
1ST BLOCK, R.T. NAGAR
BENGALURU – 560 032

...APPELLANT

(BY SMT. AISHWARYA B., ADVOCATE FOR
SRI. SRINIVASA C., ADVOCATE)

AND:

SMT. DEEPALI MEHROTRA
W/O SRI. MUDIT MEHROTRA
AGED 43 YEARS
R/AT NO.14/116, CIVIL LINES, LEELA MANI
HOSPITAL COMPOUND, KANPUR,
UTTAR PRADESH

...RESPONDENT

THIS MFA IS FILED U/S.19(1) OF FAMILY COURT ACT,
AGAINST THE JUDGMENT AND DECREE DATED 16.10.2025 PASSED
IN MISC. PETITION NO.205/2018 ON THE FILE OF THE PRINCIPAL
JUDGE, FAMILY COURT, BENGALURU, ALLOWING THE PETITION
FILED UNDER ORDER IX RULE 13 READ WITH SECTION 151 OF CPC
READ WITH SECTION 10 OF THE FAMILY COURT ACT, 1984.

Digitally
signed by
KAVYA G
Location:
High Court
of Karnataka



THIS APPEAL, COMING ON FOR ORDERS, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE JAYANT BANERJI
and
HON'BLE MR. JUSTICE RAJESH RAI K

ORAL JUDGMENT

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

Heard the learned counsel for the appellant.

2. This appeal is filed challenging the order dated 16.10.2025 passed by the Principal Judge, Family Court, Bengaluru in Misc. Petition No.205/2018. By means of this impugned order, the petition filed by the respondent under Order IX Rule 13 of CPC read with Section 10 of the Family Courts Act, 1984 was allowed and the ex-parte judgment and decree passed in M.C No.4865/2016 on 14.08.2018 was set aside and the matrimonial case was restored to its original number. Simultaneously the parties were directed to appear before the Court in M.C. No.4865/2016 without notice on 17.11.2025 and the office was directed to put up the matrimonial case on that day.



3. The contention of the learned counsel for the appellant is that the respondent chose to remain absent in M.C No.4865/2016, despite the liberty granted by the Supreme Court to her in transfer petition bearing T.P. (Civil) No.1321/2017 which was filed under Section 25 of CPC. It is stated that in the matrimonial case, on 10.07.2017, it was noted in the order sheet that the respondent was absent and the notice to her had not yet returned. The Family Court noted that the respondent had already approached the office of the Court and obtained certified copies and received the copies of the petition and other documents. Accordingly, it was observed that notice had been served on the respondent. However the respondent continued to be absent on subsequent dates and therefore the matter proceeded ex-parte.

4. We have perused the impugned order passed by the Principal Judge Family Court in Miscellaneous Petition No.205/2018. It is noted therein that the respondent examined herself in the Miscellaneous Petition as PW.1 and got marked two documents as Exhibits P1 and P2. As against this the appellant examined himself as RW.1 and got marked six



documents as Exhibits R1 to R6. Though the appellant filed his evidence affidavit on 04.12.2024 through video conferencing and his further chief examination was deferred at the request of his counsel, despite granting several opportunities, the appellant as RW.1 did not lead further chief-examination nor offered himself for cross-examination. Therefore, by order dated 19.09.2025, the evidence of RW.1 came to be discarded.

5. The Family Court noted in its consideration that in her cross-examination, the respondent had stated that there were four proceedings pending between her and the appellant. After receipt of the transfer order from the Hon'ble Apex Court, through her advocate she produced the same before the Family Court but had not appeared personally. With regard to the four cases being respectively, regarding an FIR, proceedings under the Domestic Violence Act and a petition under 125 of Cr.P.C., she had engaged the services of an advocate. Prior to passing of the judgment and decree in M.C No.4865/2016, she had not appeared in that case and her advocate had not filed vakalath in that case.



6. As against the testimony of the respondent, it was held that the appellant got himself examined as RW.1 but as his evidence was discarded, there was, therefore, no evidence of the appellant on record. The contention of the respondent was noted that she was required to take care of her twin daughters aged about three years and she was waiting for further communication from that Court with regard to her participation through video conferencing. Considering the aforesaid facts and circumstances, the Court came to the considered opinion that the ends of justice would be met if the ex-parte judgment and decree in the matrimonial case be set aside. It was accordingly set aside by means of the impugned order.

7. Though the learned counsel for the appellant has strongly opposed the impugned order, however from the facts and evidence on record as well as the consideration of the Family Court in the matter, we are of the opinion that the impugned order passed by the Family Court is justified. Thus the petition lacks merit and is dismissed.



8. It may be noted that though we had posed a query to the learned counsel for the appellant as to the maintainability of the appeal in view of Section 19 of the Family Courts Act, no response has been forthcoming from her. Be that as it may, since we have passed an order on merit, the question is rendered quietus.

Pending I.As stand disposed of.

Sd/-
(JAYANT BANERJI)
JUDGE

Sd/-
(RAJESH RAI K)
JUDGE