



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH 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. 8615 OF 2025 (FC)

BETWEEN:

SMT VARSHA SHISHODIA
D/O SRI SUKHBIR SINGH SISODIYA,
AGED ABOUT 31 YEARS,
R/AT UNCHAN AMIRPUR (GHAZIABAD),
UTTAR PRADESH - 201 008

...APPELLANT

(BY SRI. G BALAJI NAIDU.,ADVOCATE)

AND:

Digitally signed by
PANKAJA S
Location: HIGH
COURT OF
KARNATAKA

SRI RAVI KUMAR TANWAR
S/O SMT. LATHA DEVI, AGED ABOUT 31 YEARS, R/AT
NO. 47, JINDAL NAGAR, JINDAL NATURE CURE
INSTITUTE, NAGASANDRA, BENGALURU NORTH,
KARNATAKA - 560 073.

...RESPONDENT

(BY SRI. .,ADVOCATE)

THIS MFA IS FILED U/S.19(1) OF FAMILY COURT ACT,
AGAINST THE JUDGMENT AND DECREE DT.10.10.2025 PASSED
IN MC NO. 4148/2024 ON THE FILE OF THE COURT OF THE PRL
JUDGE, FAMILY COURT, BENGALURU, DISMISSING THE



PETITION FILED U/S 13(1)(i) 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 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. The respondent has been served, but is unrepresented.

2. The Trial Court record is available, which has been perused by us.

3. A petition for divorce was filed by the respondent herein under Section 13(1)(ia) of the Hindu Marriage Act, 1955 (for short "H.M. Act").

4. It is admitted by the counsel for the appellant that the appellant had stayed with the respondent for only 27 days and thereafter the petition for divorce was filed, as the



appellant had returned to her native place in Ghaziabad, Uttar Pradesh, after that period of time.

5. Ex.P1 is the wedding card of the parties. Ex.P2 are the wedding photographs, which show the elaborate wedding of the parties.

6. The order sheet reflects that an application under Section 14 of the H.M. Act was filed by the respondent herein, as the petition was filed within one year after marriage. The order sheet also reflects that notice was issued to the appellant through the Court as well as the RPAD, returnable by 01.10.2024. Notice was issued. However, notice through Court was not issued for want of petition copy.

7. The order sheet dated 01.10.2024 reflects that Sri. MVS undertook to appear for the appellant by 13.11.2024. On the left side of that order, Sri. Shashidhar M.V., has signed as advocate for the respondent-appellant herein, having enrollment number KAR/205/2011. On the next date of listing i.e., 13.11.2024, no vakalath was filed. On 17.12.2024, no



vakalath was filed, though the advocate for appellant herein sought time.

8. On 20.01.2025, the appellant was present and Sri. SKP advocate filed vakalath for the appellant with I.A.No.3 under Section 13 of the Family Courts Act, which was allowed and the appellant was permitted to engage the counsel and the objection was permitted to be filed to the main petition. Thereafter, objections were never filed and the appellant did not appear. On 19.08.2025, the cross-examination of PW.1 was taken as nil. The counsel for the appellant last appeared on 30.08.2025. Though no objection to the petition was filed, he sought time. Thereafter, for evidence of the appellant, the case was listed on 19.09.2025. On 19.09.2025, there was no representation for the appellant and hence, the appellant's evidence was taken as nil.

9. On the next date was fixed for arguments, there were no representation or presence of either of the parties. Therefore, arguments were taken as not addressed. Thereafter, the impugned judgment was passed on 10.10.2025.



10. In our considered opinion, though the appellant could not avail of the right to cross-examine the PW.1 or to file objections, but the same cannot be attributed to the non-communication of the developments by her counsel to her. Even the learned counsel for the appellant has not been able to demonstrate otherwise. Therefore, since there is evidence of the appellant for not appearing before the Family Court without due reason, costs may be imposed on the appellant while permitting her to lead evidence and file her objection.

11. The appeal is therefore **allowed**. The impugned judgment and decree dated 10.10.2025 is set aside subject to the appellant depositing a sum of Rs.50,000/- on or before 24.04.2026. This amount will be deposited by the appellant before the Family Court. It is clarified that on failure to deposit the amount of cost, as mentioned, the appeal would be dismissed. If the amount is so deposited, notice be issued to the respondent-husband. The appellant shall be permitted to file her objection within 10 days of the deposit of the amount and shall be permitted to lead her evidence. The amount of



NC: 2026:KHC:18411-DB
MFA No. 8615 of 2025

cost deposited shall be paid to the respondent-husband on his appearance before the Trial Court.

SD/-
(JAYANT BANERJI)
JUDGE

SD/-
(RAJESH RAI K)
JUDGE

HKV
List No.: 2 Sl No.: 16