



CNR: KAHC010846432025

NC: 2026:KHC:41583-DB
MFA No. 9788 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF AUGUST, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE T.M.NADAF

MISCELLANEOUS FIRST APPEAL NO. 9788 OF 2025 (FC)

BETWEEN:

1. SMT. H.K.SUMA
AGED ABOUT 32 YEARS,
W/O. M. SANTHOSH,
R/A. M. KONDAPPA,
CHOKKAHALLI VILLAGE,
CHIKKABALLAPURA TALUK
AND DISTRICT

...APPELLANT

(BY SRI. AMARESHA M., ADVOCATE)

AND:

1. SRI. M.SANTHOSH,
AGED ABOUT 40 YEARS,
LATE H MUNIRAJU,
R/A. NO.2, AKSHAYA NILAYA,
3RD CROSS,
6-A MAIN ROAD,
H.M.T LAYOUT,
R.T.NAGAR,
BENGALURU-560032

...RESPONDENT

(BY SRI. VARUN P., ADVOCATE)

Digitally signed
by VASANTHA
KUMARY B K

Location:
HIGH COURT
OF
KARNATAKA



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THIS MFA IS FILED UNDER SECTION 19(1) OF FAMILY COURT ACT, AGAINST THE JUDGMENT AND DECREE DATED: 01.12.2025 PASSED IN MC NO.6648/2018 ON THE FILE OF THE I ADDITIONAL PRL JUDGE, FAMILY COURT, BENGALURU ALLOWING THE PETITION FILED UNDER SECTION 13(1)(ia) 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 D K SINGH)

The present appeal has been filed under Section 19(1) of the Family Courts Act, 1984 impugning the judgment and decree dated 01.12.2025 passed by the I Additional Principal Judge, Family Court, Bengaluru in M.C.No.6648/2018 filed by the respondent-husband seeking a decree of divorce. The marriage was solemnized on 04.12.2014.



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2. When the matter was fixed for cross-examination of the two witnesses of the respondent-husband, PW.2 and PW.4, it appears that the respondent sought accommodation from the Court. However, the request of the respondent was not considered and no adjournment was granted and no cross examination took place.

3. The learned counsel for the appellant submitted that the counsel for the respondent got busy in another Court, and therefore, he was not present in the Court. However, the appellant was present and requested the Court to adjourn the hearing for the cross-examination of PW.2 and PW.4. The Court declined the request of the appellant for adjourning the matter and the evidence tendered in examination-in-chief has been considered for granting the decree of divorce.

4. We find it little harsh that the Family Court, instead of granting further time for cross-examination,



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closed the evidence and accepted the evidence tendered in examination-in-chief as reliable and granted divorce.

5. A decree of divorce should not be granted on superficial grounds. When there are allegations of cruelty, the other/opposing party must be afforded an adequate opportunity to address the allegations. The trial Court ought to have given at least one day's time for cross-examination of the PW.2 and PW.4. If on the next date of posting, the appellant or the respondent failed to cross examine, then the evidence should have been closed.

6. Considering the aforesaid facts, we are of the view that the matter needs to be remanded. Therefore, we are remanding the matter to the Family Court directing it to afford an opportunity to the appellant-wife to cross examine the PW.2 and PW.4.

7. It is made clear that if the appellant-wife seeks any further adjournment for cross-examination of PW.2



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and PW.4, the Family Court shall close the right of cross-examination for the appellant-wife. In view thereof, we dispose of this appeal remitting the matter back to the file of the concerned Family Court for giving one opportunity to the appellant-wife to cross examine PW.2 and PW.4 on the date fixed.

8. The parties are directed to appear before the Family Court on 12.08.2026.

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

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

RKA
List No.: 1 Sl No.: 26