HC-KAR

NC: 2026:KHC:62211-DB
MFA No. 6324 of 2021

CNR: KAHC010328832021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF NOVEMBER, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

MISCELLANEOUS FIRST APPEAL NO. 6324 OF 2021 (FC)

BETWEEN:

1. SAHANA RUPASHREE
@ VIDYASHREE,
AGED ABOUT 30 YEARS,
D/O K.MANJUNATH
RESIDING AT NO.1869,
GANESH TEMPLE ROAD,
BEGUR, BEGUR HOBLI,
BANGALORE SOUTH TALUK,
BENGALURU-560068.

...APPELLANT

(BY SRI. RAJATH.D.V FOR
SRI. MANIVANNAN G., ADVOCATE)

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

AND:

1. SRI N CHETHAN @ CHIRU
AGED ABOUT 32 YEARS,
S/O NAGESHA CHARY,
R/AT NO.LAKSHMISAGAR LAYOUT,
MAHADEVAPURA POST,
BENGALURU-560048.

...RESPONDENT

(BY SRI. K MURTHY., ADVOCATE)

THIS MFA IS FILED UNDER SECTION 19(1) OF FAMILY COURT ACT, AGAINST THE JUDGMENT AND DECREE DATED

08.07.2021 PASSED IN M.C.NO. 3536/2019 ON THE FILE OF THE III ADDITIONAL PRINCIPAL JUDGE, FAMILY COURT, BENGALURU, ALLOWING THE PETITION FILED UNDER SECTION 13(1) (i-a)(i-b) and (iii)(a)- (b) OF THE HINDU MARRIAGE ACT, 1955.

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 H.SHANTHI BHUSHAN

ORAL JUDGMENT
(PER: HON'BLE MR. JUSTICE D K SINGH)

The present appeal under Section 19(1) of the Family Courts Act, 1984, has been filed by the appellant-wife aggrieved by the judgment and decree dated 08.07.2021 passed in Miscellaneous Case No.3536/2019 filed by the respondent-husband seeking a decree of divorce to dissolve their marriage, which was solemnized on 10.11.2016 at Sri Aditya Kalayana Mantapa, Singhasandra, Hosur, Bengaluru.

2. The Family Court vide impugned judgment and decree dated 08.07.2021 had allowed the petition filed by the respondent-husband under Section 13(1) (ia) and (ib) of the

Hindu Marriage Act, 1955 and dissolved the marriage by way of decree of divorce.

3. During the pendency of this appeal, the matter was referred to the Karnataka Mediation Centre at Bengaluru. The parties have settled their dispute through the process of mediation and memorandum of settlement under Section 89 of CPC r/w Rules 24 and 25 of the Karnataka Civil Procedure (Mediation) Rules, 2005, has been forwarded to this Court for disposing of the appeal in terms of the aforesaid memorandum of settlement.

4. The parties are before this Court and have been duly identified by their respective counsels. The parties say that they have entered into the memorandum of settlement before the Mediation Centre out of their free will without any force and coercion or undue influence and they stand by the terms and conditions of the settlement. The memorandum has been signed by the parties as well as their respective counsels and the Mediator.

5. The memorandum of settlement deed reads as under :-

"***MEMORANDUM OF SETTLEMENT UNDER SECTION 89 OF CPC READ WITH RULES 24 AND 25 OF THE KARNATAKA CIVIL PROCEDURE (MEDIATION) RULES, 2005.***

The parties above named submit as follows:-

I. The Appellant has filed the above petition either to set aside or quash the judgment and decree dated 08.07.2021 made in M.C.No.3536/2019 by the III Additional Principal Judge, Family Court, Bengaluru under section 13 (1) (i-a), (i-b) of Hindu Marriage Act granting a decree of divorce.

II. Brief Facts:

Both the parties state that they are Hindu by religion and their marriage was solemnised on 10.11.2016 at Sri Aditya Kalyana Mantapa, Bengaluru as per Hindu rites and customs. Out of their wedlock they have no children born to them in their wedlock.

Both the parties state, On account of temperamental attitudes and difference of opinions, the appellant and respondent started living separately from 14.12.2016. The Respondent had filed a petition in M.C.No.3536/2019 before the III Additional Principal Judge, Family Court, Bengaluru under section 13 (1) (i-a), (i-b) and (iii) (a) (b) of Hindu Marriage Act, which has culminated in granting a divorce dissolving the marriage between the parties. The appellant herein who

was the respondent has filed the present appeal on several grounds including miscommunication of proceedings before the Family Court.

The parties state that the Trial court heard the arguments on 02.07.2021 and judgment is announced on 08.07.2021 allowing the M.C.No.3536/2019 by the III Additional Principal Judge, Family Court, Bengaluru. Aggrieved by the said order this Miscellaneous First Appeal. The appeal was referred to mediation for exploring the possibility of a settlement and after thorough negation with the help of their respective advocates, the parties have decided to settle the matter.

III. The aforesaid appeal was referred to mediation for resolving the dispute between the parties. In the course of mediation, the Appellant and the Respondent along with their respective counsels were present, identified each other and they have resolved their dispute and have agreed to the following terms and conditions:

1. *The parties state that a Re-union is highly impossible since their marriage is irretrievably broken down. The efforts by the elders also did not yield any positive results. Hence the parties state that the order/judgement dated 08.07.2021 passed in M.C.No.3536/2019 by the III Additional Principal Judge, Family Court, Bengaluru can be up held/allowed.*

2. *As a one time settlement the Respondent herein the Petitioner in M.C No.3536/2019 has agreed to pay an amount of Rs.12,00,000/- (Rupees Twelve Lakhs only) to the Appellant/Respondent through a demand draft bearing No. 427969 Dated 05.11.2026 drawn on State Bank of India, C.V.Raman Nagar Branch, Bengaluru to which the Appellant/Respondent has agreed. The said demand draft will be handed over before the Hon'ble High Court of Karnataka, Bengaluru at the time of reporting settlement.*

3. *Both the parties state that they have already exchanged their respective valuable articles and other personal belongings and as such they have no claims in this regard.*

4. *Both the parties further state that they have no claims of whatsoever over the movable or immovable properties belonging to each other either existing or to be acquired.*

5. *Both parties further state that, apart from the above, they have no claims of whatsoever manner against each other either past, present or in future.*

6. *Both the parties undertake to co-operate with each other close/quash/withdraw Misc No.122/2025 under section 25 of the H.M.Act filed by the Appellant herein pending on the file of V Additional Family Court, in view of this agreement.*

7. Both the parties state that they have arrived at this agreement without pressing on the allegations levelled against each other either orally or expressly arrived at this agreement.

8. Both parties agree and admit that they have entered into this settlement agreement on their own free will and consent without any force, fraud, coercion or any undue influence from any one.

9. Both parties hereby agree that they will not interfere in the peaceful living of each other in future.

IV. In view of the aforesaid agreement entered into between the parties, the parties pray that this Hon'ble Court be pleased to pass appropriate orders in terms of this settlement agreement.

V. Parties will appear before the Hon'ble Court for passing orders in terms of the agreement, when the matter get listed."

6. In pursuance to the said memorandum the Bank Draft of Rs.12,00,000/- drawn on State Bank of India, C.V. Raman Nagar Branch, Bengaluru, has been handed over to the appellant-wife today, in the Court.

7. We therefore, ***dispose*** of this appeal in terms of the aforesaid settlement.

Sd/-
(D K SINGH)
JUDGE

Sd/-
(H.SHANTHI BHUSHAN)
JUDGE

NG
CT: SN
List No.: 1 Sl No.: 12