



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF JULY, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

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

MISCELLANEOUS FIRST APPEAL NO. 4343 OF 2026 (FC)

BETWEEN:

1.

...APPELLANT

(BY SMT. BELLE R, ADVOCATE)

AND:

1.

...RESPONDENT

THIS MFA IS FILED UNDER SECTION 19(1) OF THE FAMILY COURTS ACT, AGAINST THE JUDGMENT AND DECREE DATED 06.03.2026 PASSED IN M.C.NO.404/2024 ON THE FILE OF THE III ADDITIONAL PRINCIPAL JUDGE, FAMILY COURT,





MYSURU, DISMISSING THE PETITION FILED U/S 13(1A) 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 T.M.NADAF

ORAL JUDGMENT

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

1. The present appeal under Section 19(1) of the Family Courts Act, 1984, has been filed impugning the judgment and decree dated 06.03.2026 passed by the learned III Additional Principal Judge, Family Court, Mysuru, in M.C.No.404/2024 filed by the appellant-husband seeking a decree of divorce to dissolve his marriage solemnized with the respondent-wife on 15.12.2003 on the grounds as mentioned in Section 13(1A) of the Hindu Marriage Act, 1955 (hereinafter referred to as 'the Hindu Marriage Act').

2. The aforesaid petition for divorce came to be filed after 21 years of marriage. Whereas the appellant-husband had earlier filed a petition seeking a decree of divorce in M.C.No.381/2019, the respondent-wife had filed the petition in M.C.No.857/2019 under Section 9 of the Hindu Marriage Act for



restitution of conjugal rights. Both the petitions i.e., M.C.No.381/2019 and M.C.No.857/2019 were clubbed together and disposed of by a common judgment whereby, the petition filed by the respondent-wife in M.C.No.857/2019 came to be allowed and the petition filed by the appellant-husband in M.C.No.381/2019 came to be dismissed.

3. The marriage between the parties was a love marriage and an inter-caste marriage. Out of the wedlock, a daughter was born, who is now almost a major. The appellant has alleged in his petition that after passing of the judgment in M.C.No.381/2019 filed by him seeking dissolution of marriage on the grounds as enumerated under Section 13(1A) of the Hindu Marriage Act, the parties did not make any efforts to re-establish their conjugal life and they have been living separately in their places at Mysuru. It was further alleged that despite sincere efforts and several requests made by the appellant-husband to the respondent-wife to come and join him and lead the marital life, the respondent-wife neither responded nor joined him. The marriage between the parties has broken down irretrievably.



4. Whereas the respondent-wife contended in her detailed statement of objections that she had looked after the appellant and his parents well and gave them all love and affection. The appellant's parents advised the appellant and the respondent to stay on the first floor of their house for the purpose of offering prayers and for preparation of food as the respondent belonged to Brahmin caste. They lived in the first floor of the house, but she never insisted for a separate residence. She denied the allegation of incompatibility between them. She never picked up any quarrel with the appellant or his family members even for a single day. The other allegations were also denied.

5. On the basis of the pleadings, the Family Court framed the following points for consideration:-

"1. Whether petitioner proves that respondent is his legally wedded wife?

2. Whether petitioner is entitled for divorce on the ground of non-resumption of marriage even after passing of the decree of restitution of conjugal rights, as prayed?

3. What Order or Decree?"



6. The Family Court, on consideration of the pleadings and the evidence brought on record including the deposition of the parties, has held that the allegation of cruelty as provided under Section 13(1)(ia) of the Hindu Marriage Act against the respondent-wife could not be proved. In fact, the appellant, in his cross-examination, had clearly admitted that he had not resumed his marital life with the respondent as he was not interested for the same and he had no interest to resume his marital life with the respondent.

7. The learned counsel for the appellant has submitted that the appellant has no interest in the marital life with the respondent and for all practical purposes, the marriage is dead and therefore, decree of divorce be granted.

8. The appellant wants to take advantage of his own wrong. The person who fell in love with the respondent and fathered a girl child who is now almost a major, has come before the Court stating that he is left with no interest in the marriage and therefore, decree of divorce be granted. The marriage under the Hindu Law is a sacrament and it is not a contract. Once the parties are married, the marriage is for life and one person



cannot walk away from the marriage on the ground that he/she is left with no interest in the marriage with the other party. We find no ground to interfere with the impugned judgment and decree passed by the Family Court and therefore, we dismiss this appeal.

In view of dismissal of the appeal, pending IAs, if any, do not survive for consideration and accordingly, they stand disposed of.

Sd/-
(D K SINGH)
JUDGE

Sd/-
(T.M.NADAF)
JUDGE

BKV
CT:SN
List No.: 2 Sl No.: 4