

KABG510087972025



**IN THE COURT OF THE ADDL. CIVIL JUDGE & JMFC,
AT: GOKAK.**

:: Present ::

Smt. Chaitra .V. Kulkarni,
B.A. LL.B. LL.M.,
Addl. Civil Judge & JMFC,
Gokak.

O.S. No.695/2025

Date Of Judgment: 08th day of July, 2026.

Plaintiff/s :-	1. Smt. Saliya W/o Arbaz Ingalagi, Age : 24 years, Occ : Housework, R/o : C/o : R/o : C/o : Ayub Pathan Ankalagi Village, Tq : Gokak, Now at : Pant Balakundri, Belagavi.
(By Sri.B.H.M., Adv.,)	
//Versus//	
Defendant/s:-	1. Arbaz S/o Imtiyaz Ahmed Ingalagi, Age : 30 years, Occ : Business, R/o : Aman Nagar, 1st Cross, Near Masjid & Kirana Shop Belagavi.
(Exparte)	

Date of Institution of the suit	05.11.2025
Nature of the suit	Dissolution of Marriage Act
Date of the commencement of	18.06.2026
Date of Judgment	08.07.2026
Total Duration	Year/s Month/s Day/s 00 08 03

(Chaitra Kulkarni)
Addl. Civil Judge & J.M.F.C.,
Gokak.

:: J U D G E M E N T ::

Plaintiff has filed this suit for the relief of dissolution of marriage/termination of marriage between the plaintiff and defendant solemnized on 26.12.2018.

2. The brief facts of the plaintiff's case is as follows:

The marriage of the Plaintiff with the Defendant was solemnized on 26/12/2018 at Ankalagi Village, Taluk Gokak District Belagavi in front of the Defendant's parents' house according to Muslim customs and the rituals prevailing in their society. Further, out the said wedlock

one male child was born on 18/12/2020 by name Master Adnan. At the time of marriage the parents of the Plaintiff have given Gold ornament, Silver ornament and others materials such as Bed, Treasury etc., which are required for day to day life to the defendant. Further, all the marriage expenses were borne by the parents of the Plaintiff worth of Rs.5,00,000/- and Rs.1,10,000/- cash also given to the defendant at the time of the marriage.

3. Further, after the marriage, the plaintiff and the defendant led the happy married life for few months. Then the defendant started demanding money from parents of plaintiff hence the parents of plaintiff have paid Rs.1,00,000/- cash to the defendant for his domestic purpose. Thereafter, again defendant was demanding more cash from the parents of plaintiff to purchase Four Wheeler of Rs.5,00,000/- for the purpose of running Taxi Business and also demanded two tola of Gold but Plaintiff's parents could not give cash to the defendant, and plaintiff said to defendant that her parents are poor and incapable to pay

amount, then defendant started harassing the plaintiff for money and without any reason and beating with the hands to the plaintiff and the plaintiff tolerated all the torture with hope that one or the other day behavior of the defendant will be changed but her all efforts vent in vain.

4. Further, defendant is addicted to Alcohol drinking and smoking habit, when the plaintiff requested not to drink Alcohol, defendant used to beat the plaintiff with sticks without reasons. Further, the defendant gave harassment to the plaintiff by not providing proper food. Further, the defendant and his family members did not give medicines to the child and plaintiff and abused the plaintiff in filthy language to the plaintiff.

5. The defendant never cared the plaintiff and has not shown love and affection to the plaintiff, but still the plaintiff was residing with defendant along with child. The defendant caused mental harassment to the plaintiff.

6. Further, the defendant deserted the plaintiff from last 2 years 5 months, there is no chance of reunion between the plaintiff & defendant and plaintiff also issued the notice to the defendant through his counsel but the defendant has not complied to the said notice Dated 19/09/2025, hence plaintiff constrained to file this suit for dissolution of marriage between her and defendant on the ground of cruelty and desertion.

7. Inspite of service of summons, defendant has remained absent and was placed exparte.

8. Plaintiff examined herself as PW-1 and in support of her oral testimony, she got marked documents at Ex.P.1 to 6 and closed her side evidence.

9. Heard learned counsel for plaintiff and perused the entire materials placed on record. On the strength of the pleadings, following points arise for my consideration.

P O I N T S

- 1 : Whether plaintiff proves that she is legally wedded wife of defendant?
- 2 : Whether the plaintiff has made out grounds for dissolution of marriage solemnized on 26.12.2018 with defendant?
- 3 : Whether the plaintiff is entitled to the relief prayed in the plaint?
- 4 : What order or decree ?

10. Findings to the above points are as under:

Point No.1 to 3 : In the Affirmative,
Point No.4 : As per final order
for the following;

:: R E A S O N S ::

11. Point No.1 and 2:- Since these points are interrelated to each other, they are taken together for common consideration in order to avoid repetition.

12. It is the specific case of plaintiff that, she is the legally wedded wife of defendant and in their wedlock 1 child was born to them. And now due to harassment by the defendant she is no longer want to live with the defendant.

13. In order to establish her case, plaintiff has got examined herself as PW-1 and reiterated the averments of plaint in her examination in chief affidavit. In support of her oral testimony, she has produced Ex.P.1 to 6. Ex.P.1 is the Legal Notice, Ex.P.2 and 3 are the Postal Receipts, Ex.P.4 is the Marriage Card which reveals that on 26.12.2018 marriage of plaintiff and defendant was performed, Ex.P.5 is the marriage certificate issued by Jamat and Ex.P.6 is the Adhar card of plaintiff,

14. Since defendant placed exparte, the evidence of PW-1 remain unchallenged and same remained for consideration of this court in the absence of contra version.

15. Here in this case, it is true that defendant has not contested the case of plaintiff. However it is well settled law that plaintiff has to prove her case by placing reliable and cogent evidence. Plaintiff cannot rely on the weakness of the defendant if any to succeed in his case.

16. In Ex.P.4 and 5 the name of defendant and plaintiff is shown as Dulha and Dulhan. As such the question of marriage between the plaintiff and defendant is not in dispute.

17. It is pertinent to note that the plaintiff has sought dissolution of her marriage with the defendant, which was solemnized on 26.12.2018. It is necessary to this Court to ascertain in regard to the grounds made out by the plaintiff are provided under the eyes of law. For useful reference, it is adverted to **Sec. 2 of The Dissolution of Muslim Marriages Act 1939**, which states;

2. Grounds for decree for dissolution of marriage.---- A woman married under Muslim law shall be entitled to obtain a decree for the dissolution of her marriage on any one or more of the following grounds, namely:----

- (I) that the whereabouts of the husband have not been known for a period of four years;
- (ii) that the husband has neglected or has failed to provide for her maintenance for a period of two years;

- (iii) *that the husband has been sentenced to imprisonment for a period of seven years or upwards;*
- (iv) *that the husband has failed to perform, without reasonable cause, his marital obligations for a period of three years;*
- (v) *that the husband was impotent at the time of the marriage and continues to be so;*
- (vi) *that the husband has been insane for a period of two years or is suffering from leprosy or a virulent venereal disease;*
- (vii) *that she, having been given in marriage by her father or other guardian before she attained the age of fifteen years, repudiated the marriage before attaining the age of eighteen years:*

Provided that the marriage has not been consummated;

(viii) that the husband treats her with cruelty, that is to say,---

- (a) habitually assaults her or makes her life miserable by cruelty of conduct even if such conduct does not amount to physical ill-treatment, or**
- (b) *associates with women of evil repute or leads an infamous life, or*
- (c) *attempts to force her to lead an immoral life, or*
- (d) *disposes of her property or prevents her exercising her legal rights over it, or*

- (e) obstructs her in the observance of her religious profession or practice, or*
- (f) if he has more wives than one, does not treat her equitably in accordance with the injunctions of the Quran;*
- (ix) on any other ground which is recognized as valid for the dissolution of marriages under Muslim law:*

Provided that---

- (a) no decree shall be passed on ground (iii) until the sentence has become final;*
- (b) a decree passed on ground (i) shall not take effect for a period of six months from the date of such decree, and if the husband appears either in person or through an authorized agent within that period and satisfied the Court that he is prepared to perform his conjugal duties, the Court shall set aside the said decree; and*
- (c) before passing a decree on ground (v) the Court shall, on application by the husband, made an order requiring the husband to satisfy the Court within a period of one year from the date of such order that he has ceased to be impotent, and if the husband so satisfies the Court within such period, no decree shall be passed on the said ground.*

On perusal of the above provision of law, it makes it clear that, a Muslim woman can seek for dissolution of marriage under the said Act by filing the suit. In the present case the plaintiff has made out from her evidence that she was subjected to cruelty and her life was made miserable by the defendant. In such circumstances the marriage tie between the plaintiff and defendant could not be sustained.

18. On meticulous verification of the evidence of PW-1 and the documents got exhibited by the plaintiff, it is conclusively found that the plaintiff was meted out with the cruelty, which is ground for dissolution of Muslim marriage by Muslim woman. Admittedly the plaintiff and defendant both belong to Muslim religion. The evidence led by the plaintiff is un-rebutted nor challenged by the defendant. As such the evidence of the plaintiff deserves to be accepted without any embargo. Thereby the plaintiff has proved her case and the preponderance of probability is in favour of plaintiff. As the plaintiff has successfully proved the above points and in the result plaintiff is entitled to the relief

prayed in the plaint. As a result, the above **points** are answered **in the Affirmative**.

19. Point No.3:- The plaintiff has successfully proved point No.1 & 2 by virtue of discussion in the preceding paragraphs. The plaintiff has also made out a ground for dissolution of marriage as contemplated **U/s. 2 of Dissolution of Muslim Marriages Act 1939**. In view of which, the plaintiff is entitled to the relief of dissolution of marriage with the defendant as sought in the plaint. As a result, the above point is answered **in the Affirmative**.

20. Point No.4:- In view of the above discussions and findings, I proceed to pass the following:

:: O R D E R ::

The suit of the plaintiff is hereby decreed with cost.

The marriage between plaintiff and defendant solemnized on 26.12.2018 stands dissolved.

Draw Decree accordingly.

(Dictated to the stenographer directly on the computer, typed by him, corrected by me, signed then pronounced in the open court on this 08th day of July 2026).

(Chaitra Kulkarni)
Addl. Civil Judge & J.M.F.C.,
Gokak.

ANNEXURE

List of witness examined on behalf of plaintiff.

P.W.1 : Saliya W/o Arbaz Ingalagi,

List of documents marked on behalf of plaintiff.

Ex.P.1 : Legal Notice,
Ex.P.2 & 3 : Postal Receipts,
Ex.P.4 : Marriage Card,
Ex.P.5 : Marriage certificate issued by Jamat,
Ex.P.6 : Adhar card of plaintiff,

List of witnesses examined on behalf of defendant.

-Nil-

List of documents marked on behalf of defendant.

-Nil-

(Chaitra Kulkarni)
Addl. Civil Judge & J.M.F.C.,
Gokak.