



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF MARCH, 2026

PRESENT

THE HON'BLE MR. JUSTICE JAYANT BANERJI

AND

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO. 8860 OF 2017 (MC)

BETWEEN:

SMT. V.N. SUMITRA
W/O T. PRASANNA
AGED ABOUT 50 YEARS
KIRANI BUSINESS
HANGAL, MOLAKALMURU TALUK
CHITRADURGA DISTRICT-577 535.

...APPELLANT

(BY SRI. SRINIVAS N., ADVOCATE)

AND:

SRI T. PRASANNA
S/O LATE THIPPE RUDRAPPA
AGED ABOUT 40 YEARS
MURUGAN TEMPLE ROAD
MYSORE ROAD
HIRIYUR-577 598.

...RESPONDENT

THIS MFA IS FILED UNDER SECTION 28 OF HINDU MARRIAGE ACT, AGAINST THE JUDGMENT AND DECREE DATED 21.04.2017, PASSED IN MC. NO.9/2012, ON THE FILE OF THE SENIOR CIVIL JUDGE & JMFC., HIRIYUR,

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



ALLOWING THE PETITION FILED UNDER SECTION 13(1)
OF HINDU MARRIAGE ACT.

THIS APPEAL, COMING ON FOR ORDERS, 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)

The learned counsel for the appellant is present. He has filed a memo today in Court, in which it is stated that he had taken steps for service of notice on the respondent but the same was not served. He sent a letter on 03.02.2025 through registered post with acknowledgment to the appellant requesting her to furnish the correct address of the respondent. That letter was returned with the postal endorsement that "Party Death Returned to Sender" on 10.02.2025.

2. It is further mentioned that an affidavit was sent by the counsel for the appellant to the appellant's brother by speed post requesting him to swear the



affidavit for withdrawal of the above appeal, which affidavit was duly served on him on 10.03.2026. The original speed post receipt as well as online postal tracking consignment and office copy of the affidavit sent to the appellant's brother have been enclosed therewith. There has been no response from the brother of the appellant till date.

3. In view of the aforesaid, it is evident that the counsel for the appellant has no instructions from the appellant, as stated by him in the affidavit. This appeal is accordingly ***dismissed***.

SD/-
(JAYANT BANERJI)
JUDGE

SD/-
(RAJESH RAI K)
JUDGE

CR
List No.: 1 Sl No.: 13