



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH 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. 4882 OF 2017 (FC)

C/W

MISCELLANEOUS FIRST APPEAL NO. 4883 OF 2017 (FC)

IN MFA No. 4882/2017

BETWEEN:

MR. S.VENKATESH,
S/O B.SRINIVAS SHAIT,
AGED ABOUT 42 YEARS,
BUDDA NAGAR, (NIL GHATTA),
SHIVAMOGA TOWN-577 201.

...APPELLANT

(BY SMT.VISMAYA D A., ADVOCATE FOR
SRI.PARAMESHWAR N. HEGDE, ADVOCATE)

AND:

SMT.SMITHA R,
W/O S.VENKATESH,
AGED ABOUT 35 YEARS,
NO.29, NANDA GOKULA,
5TH MAIN, 3RD STAGE,
GOKULAM, MYSORE-570 001.

...RESPONDENT

(RESPONDENT – SERVED, UNREPRESENTED)





NC: 2026:KHC:17250-DB
MFA No. 4882 of 2017
C/W MFA No. 4883 of 2017

THIS MFA IS FILED U/S 19(1) OF HINDU MARRIAGE ACT,
AGAINST THE JUDGMENT AND DECREE DATED 01.03.2017
PASSED IN M.C.NO.408/2010 ON THE FILE OF THE PRINCIPAL
JUDGE, FAMILY COURT AT MYSURU, ALLOWING THE PETITION
FILED UNDER SECTION 13(1)(ia) OF HINDU MARRIAGE ACT.

IN MFA NO. 4883/2017

BETWEEN:

MR. S.VENKATESH,
S/O B.SRINIVAS SHAIT,
AGED ABOUT 42 YEARS,
BUDDA NAGAR, (NIL GHATTA),
SHIVAMOGA TOWN -577 201

...APPELLANT

(BY SMT. VISMAYA D.A., ADVOCATE FOR
SRI.PARAMESHWAR N. HEGDE, ADVOCATE)

AND:

SMT. SMITHA R
W/O S.VENKATESH,
AGED ABOUT 35 YEARS,
NO.29, NANDA GOKULA,
5TH MAIN ROAD, 3RD STAGE,
GOKULAM, MYSORE -570 001

...RESPONDENT

THIS MFA IS FILED UNDER SECTION 19(1) OF FAMILY
COURT ACT, AGAINST THE JUDGEMENT AND DECREE
DATED 01.03.2017 PASSED IN M.C.NO. 30/2011 ON THE
FILE OF THE PRINCIPAL JUDGE, FAMILY COURT, MYSURU,
ALLOWING THE PETITION FILED UNDER SECTION 13(1)(ia)
OF THE HINDU MARRIAGE ACT, FOR DISSOLUTION OF
MARRIAGE.

THESE APPEALS, COMING ON FOR ORDERS, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:



NC: 2026:KHC:17250-DB
MFA No. 4882 of 2017
C/W MFA No. 4883 of 2017

CORAM: HON'BLE MR. JUSTICE JAYANT BANERJI
and
HON'BLE MR. JUSTICE RAJESH RAI K

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE JAYANT BANERJI)

A memo of retirement has been filed by the learned counsel for the appellant, in which it is stated that earlier on 21.03.2023, a memo of retirement along with postal cover (apparently sent to the appellant) was returned with an acknowledgment of 'Door Closed'. It is stated that there is no communication by the appellant. Further it is informed that the father of the appellant was contacted, who informed that his son, that is the appellant herein, is missing since 24.02.2020 in respect of which an FIR has also been lodged.

Since the learned counsel for the appellant has no instructions, this appeal is dismissed for non-prosecution along with the connected appeal.

Sd/-
(JAYANT BANERJI)
JUDGE

Sd/-
(RAJESH RAI K)
JUDGE