



IN THE HIGH COURT OF KARNATAKA, BENGALURU

DATED THIS THE 21ST DAY OF OCTOBER, 2020

PRESENT

THE HON'BLE MRS. JUSTICE B.V.NAGARATHNA

AND

THE HON'BLE MR. JUSTICE N.S.SANJAY GOWDA

M.F.A. No.7022/2017 (FC)

BETWEEN:

SRI S KIRAN
S/O. K. SHIVANNAGOWDA,
AGED ABOUT 38 YEARS,
R/AT D.NO.11/BLOCK 2,
1ST MAIN, SHAKTHI NAGAR,
MYSURU – 570 019. ... APPELLANT

(BY SRI RAMAKRISHNA & SRI RAVIPRAKASH T. AVIN,
ADVOCATE (THROUGH VIDEO CONFERENCE))

AND:

DR. NAMITHA .M
W/O. S. KIRAN,
D/O. M. MAHADEVU,
AGED ABOUT 32 YEARS,
R/AT D.NO.478, 4TH CROSS,
HEBBAL, 2ND STAGE,
BEHIND CITB CHOULTRY,
MYSURU – 570 016. ... RESPONDENT

(BY SRI N.R. GIRISHA, ADVOCATE (THROUGH VIDEO
CONFERENCE))

THIS MFA IS FILED UNDER SECTION 19(1) OF THE
FAMILY COURTS ACT, AGAINST THE JUDGMENT AND DECREE
DATED 20.07.2017 PASSED ON MC NO.147/2014 ON THE FILE
OF THE JUDGE, PRINCIPAL FAMILY COURT, MYSURU,



DISMISSING THE PETITION FILED U/S.13(1)(ia)&(ib) OF HINDU MARRIAGE ACT.

THIS APPEAL COMING ON FOR ADMISSION THIS DAY, **NAGARATHNA J.**, DELIVERED THE FOLLOWING:

J U D G M E N T

The appellant is the husband, who has filed this appeal assailing the judgment and decree passed in M.C.No.147/2014 by the Prl. Judge, Family Court, Mysuru, dated 20/07/2017.

2. The appellant – husband had filed M.C.No.147/2014, seeking dissolution of marriage by a decree of divorce under Section 13(1)(ia) and (ib) of the Hindu Marriage Act, 1955. By the said judgment, the petition has been dismissed, but in the said proceeding, the respondent had sought a counter claim of restitution of conjugal rights. The said counter claim has been allowed. Being aggrieved, the husband has preferred this appeal.

3. Learned counsel for appellant – respondent submits that there has been no restitution of conjugal rights subsequent to the impugned judgment and decree allowing the counter claim of the respondent – wife.



4. In the circumstances, the appeal is ***disposed of*** by reserving liberty to the appellant to file a petition under Section 13(1A)(ii) of the Hindu Marriage Act, 1955. In the event if the appellant - husband is unsuccessful in that petition, liberty is reserved to the appellant to revive this appeal.

In view of the dismissal of the appeal, I.A.No.I/2018 stands disposed, subject to the aforesaid liberty.

**Sd/-
JUDGE**

**Sd/-
JUDGE**

**mvs*