



NC: 2026:KHC-D:4435-DB
MFA No. 101528 of 2019

IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 23RD DAY OF MARCH 2026

PRESENT

THE HON'BLE MR. JUSTICE B.M. SHYAM PRASAD

AND

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MFA NO.101528 OF 2019 (MC)

BETWEEN:

SHRI. RAMESH S/O. NANDEPPA BIRADAR,
AGE: 56 YEARS, OCC: TRACER IN BTDA,
R/O: BAGALKOT, TQ & DIST: BAGALKOT.

... APPELLANT

(BY SRI. M. C. HUKKERI, ADVOCATE)

AND:

SMT. SULOCHANA W/O. RAMESH BIRADAR,
AGE: 49 YEARS, OCC: HOUSEHOLD WORK,
R/O: TEACHER'S COLONY
MAHALINGESHWAR NAGAR,
TQ: JAMKHANDI, DIST: BAGALKOT.

...RESPONDENT

(BY SRI. S.M. KALAWAD, ADV.)

THIS MFA IS FILED UNDER SECTION 28 OF THE HINDU MARRIAGE ACT, 1955, PRAYING TO SET – ASIDE THE JUDGMENT AND DECREE PASSED BY THE PRL. SENIOR CIVIL JUDGE, JAMKHANDI IN M.C.NO.35/2013 DATED 26.02.2019 BY ALLOWING THE APPEAL AND GRANT DECREE OF DIVORCE IN THE INTEREST OF JUSTICE AND EQUITY.

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

CORAM: THE HON'BLE MR. JUSTICE B.M.SHYAM PRASAD
AND
THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

Digitally signed
by RAKESH S
HARIHAR
Location: High
Court of
Karnataka,
Dharwad Bench



ORAL JUDGMENT

(PER: THE HON'BLE MR. JUSTICE B.M. SHYAM PRASAD)

This appeal filed under Section 28 of the Hindu Marriage Act, 1955 [for short '*the HMA*'] is against the order and decree dated 26.02.2019 in M.C.No.35/2013 on the file of the Principal Senior Civil Judge, Jamakhandi. The appellant has filed the petition under Sections 13(1) (ia) and 13(1) (ib) of the HMA, and the Family Court has dismissed the petition by the impugned order dated 26.02.2019.

Sri M. C. Hukkeri, the learned counsel for the appellant has filed a Memo which reads as under.

In this case the appellant challenged the impugned order passed in M.C.No.35/2013 dated 26/04/2019 by the Pril Civil Judge Jamkhandi At: Jamkhandi. Now the respondent by name Sulochana W/o Ramesh Biradar died on 28/10/2024 at Jamkhandi. Hence, this case does not survive for consideration due to death of the respondent. Therefore, this case may be dismissed as infructuous in the interest of justice and equity. The death extract is



*produced herewith for kind perusal of this
Hon'ble court."*

This memo is accompanied by such death
certificate and in the light of the afore, the appeal
stands ***disposed of***.

Sd/-
(B.M. SHYAM PRASAD)
JUDGE

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

KGK / CT: ASC
List No.: 3 Sl No.: 3