

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (C) No. 8321/2019

(Arising out of impugned final judgment and order dated 20-12-2018 in MFA No. 7461/2016 (NC) passed by the High Court of Karnataka at Bengaluru)

C.K RATHNA (ASHA)

Petitioner(s)

VERSUS

C.G. VINAY

Respondent(s)

(FOR ADMISSION and I.R. and IA No.53742/2019-EXEMPTION FROM FILING O.T.

Date : 22-07-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.R. SHAH
HON'BLE MRS. JUSTICE B.V. NAGARATHNA

For Petitioner(s) Mr. S.N.Bhat, Sr. Adv
Mr. Tarun Kumar Thakur, Adv
Mr. D.P.Chaturvedi, Adv
Ms. Parvati Bhat, Adv
Ms. Anuradha Mutatkar, AOR

For Respondent(s) Mr. Rajesh Mahale, AOR

UPON hearing the counsel the Court made the following
O R D E R

Having heard learned counsel appearing on behalf of the respective parties and considering the findings recorded by learned Family Court as well as the High Court and even considering the reply to the notice sent by the respondent/husband, it appears that the petitioner wife insisted to stay with the husband only at Bengaluru and it was specifically the case on behalf of the wife that unless the husband shifts his residential premises to Bangalore then only she will come and join to stay with the husband and as per the findings recorded by the learned Family Court,

contd..

confirmed by the High Court, there was no valid reason and/or reasonable cause for the wife not to join and stay with husband and his family members which itself can be said to be cruelty and thereafter when the decree of divorce is passed, we see no reason to interfere with the same in exercise of powers under Article 136 of the Constitution of India. The submission on behalf of the petitioner that for the purpose of maintainability of the divorce petition on the ground of desertion, there must be two years gap from the date of marriage has no application in the facts and circumstances of the case. The case is not only of desertion but cruelty also.

As observed hereinabove, not joining and staying with husband without any reasonable cause by the wife that itself tantamounts to cruelty. No interference of this Court is called for. The Special Leave Petition stands dismissed.

Pending application(s) shall stand disposed of.

(NEETU SACHDEVA)
ASTT. REGISTRAR-cum-PS

(NISHA TRIPATHI)
ASSISTANT REGISTRAR