HC-KAR

NC: 2026:KHC-D:8590
WP No. 108790 of 2025

IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 1ST DAY OF JULY 2026

BEFORE

THE HON'BLE MRS JUSTICE GEETHA K.B.

WRIT PETITION NO.108790 OF 2025 (GM-FC)

BETWEEN:

SHREEDEVI @ SRIDEVI B JOGI
W/O. VIJAYAKUMAR NAGALAPUR,
AGE: 41 YEARS, OCC: GOVT. SERVICE,
R/O. H.NO.43, II CROSS, RUKMINI NAGAR,
DIST: BELAGAVI-590012.

...APPELLANT

(BY SRI.K.ANAND KUMAR, ADVOCATE)

AND:

VIJAYAKUMAR S/O. AMBANNA NAGALAPUR
AGE: 41 YEARS, OCC: SERVICE,
R/O. TURVIHAL VILLAGE, TQ: SINDHANUR,
DIST: RAICHUR-584128.

...RESPONDENT

(BY SRI.H.M.DHARIGOND, ADVOCATE)

Digitally signed by SAROJA HANGARAKI
Location: HIGH COURT OF KARNATAKA DHARWAD BENCH

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO IN VIEW OF THE FACTS AND CIRCUMSTANCES OF THE CASE, IT IS HEREBY PRAYED THAT THIS HON'BLE COURT BE PLEASED TO ISSUE A WRIT IN THE NATURE OF CERTIORARI THEREBY QUASHING THE IMPUGNED ORDER DATED 08-10-2025 PASSED BY THE I ADDL PRL. JUDGE, FAMILY COURT, BELAGAVI IN M.C NO.544/2023 ON IA.NO.V FILED U/O 6 RULE 17 OF THE CIVIL PROCEDURE CODE, AS AT ANNEXURE-E TO THE WRIT PETITION, IN THE INTEREST OF JUSTICE AND EQUITY; AND ETC.

THIS WRIT PETITION COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MRS JUSTICE GEETHA K.B.

ORAL ORDER

This is the writ petition filed under Articles 226 and 227 of the Constitution of India praying for issuance of writ of *Certiorari* to set aside the order dated 08.10.2025 passed on I.A.No.5 in M.C.No.544/2023 on the file of I Additional Principal Judge, Family Court, Belagavi (for short, 'Family Court').

2. Parties would be referred to with their ranks as they were before the Family Court for the sake of convenience and clarity.

3. Originally the husband/petitioner has filed petition for divorce Under Section 13(1) of the Hindu Marriage Act, 1955 before the Senior Civil Judge, Sindhanur in the year 2021 and then it was transferred to I Additional Principal Judge, Family Court, Belagavi and renumbered as M.C.No.544/2023.

4. After mediation became failed, the respondent has filed objections to main petition. When the case was

posted for evidence, before commencement of evidence, I.A.No.V under Order VI Rule 17 of CPC is filed by the husband-petitioner by introducing new set of facts, which were not mentioned in the earlier petition.

5. Learned counsel for petitioner would submit that earlier petition was very short; now petitioner/husband intends to introduce para No.6-A by making allegation of cruelty on the wife/respondent. The said application was resisted by the wife by filing her objections.

6. After hearing both sides, the Family Court has allowed the interim application with costs of ₹1,000/- on the grounds that husband has already filed petition for divorce and made allegation of cruelty. But now it is explicated and thus nature of the petition will not change and because there is delay in filing the application, it was allowed with nominal cost of ₹1,000/- which is very meager.

7. Learned counsel for petitioner before this Court Sri K.Anand Kumar would submit that the proposed amendment would change the entire nature of the proceedings and it is filed only to drag on the proceedings and not with an intention to get any end to the proceedings. Hence, prayed for allowing the petition.

8. Learned counsel for respondent, Sri.H.M.Dharigond would submit that the order passed by the Family court is reasoned order; it requires no interference.

9. Having heard the arguments of learned counsels for the parties, this Court noticed that the dispute is between husband and wife. Since 5 years they are litigating before the court. The husband initially has filed the divorce petition wherein he has pleaded about cruelty. However, the instances of the allegations were not pleaded. However, after the case is posted for the stage of Evidence, before commencement of evidence, he has filed

the present interim application, wherein he narrated the instances of cruelty in detail. Thus rightly, the Family Court came to the conclusion that the nature of petition will not change, if the interim application is allowed. However, as discussed earlier, this interim application is filed about 4 years after filing the petition. Hence, there is delay. This undue delay can be compensated by imposing heavy costs and not nominal costs imposed by the Family court. However, this is divorce petition of 2021 and thus 5 years is already lapsed from the date of filing the petition initially before Sindhanur Court. Hence, a time limit is to be fixed for disposal of the main petition.

10. With this observation, this Court passes the following:

ORDER

a) Writ petition filed under Articles 226 and 227 of the Constitution of India is allowed in part.

b) Order dated 08.10.2025 passed on I.A.No.5 in M.C.No.544/2023 on the file of I Additional Principal Judge, Family Court, Belagavi is modified as follows:

c) I.A.No.5 is allowed with costs of ₹10,000/-.

d) Further, the present petitioner who is the wife/respondent before the Family Court is permitted to file her additional objections to the main petition within 15 days from the hearing date before the Family Court.

e) Afterwards, the Family Court is requested to dispose the petition as early as possible within an outer limit of 6 months from the date of receipt of certified copy of this judgment.

Sd/-
(GEETHA K.B.)
JUDGE

SH
CT:VH
List No.: 1 Sl No.: 12