



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 8<sup>TH</sup> DAY OF JUNE, 2026**

**PRESENT**

**THE HON'BLE MR. JUSTICE D K SINGH**

**AND**

**THE HON'BLE MR. JUSTICE T.M.NADAF**

**MISCELLANEOUS FIRST APPEAL NO. 852 OF 2026 (FC)**

**BETWEEN:**

UMA M @ MAHESHWARI M.,  
W/O MAHESH.N.G.,  
D/O MAHADEVAPPA,  
AGED ABOUT 35 YEARS,  
R/AT D.NO.207, 2<sup>ND</sup> WARD,  
NAGARATHNAMMA BADAVANE,  
GUNDLUPET TOWN,  
CHAMARAJANAGARA DISTRICT - 571 111.

...APPELLANT

(BY SRI. SREENIVASAN M Y., ADVOCATE)

**AND:**

MAHESH N.G.,  
S/O GURUSIDDAPPA,  
AGED ABOUT 41 YEARS,  
R/AT D.NO.132, KOTE BEEDI,  
MALAVALLI TOWN AND TALUK,  
MANDYA DISTRICT - 571 430.

...RESPONDENT

(BY SRI. PANDURANGA NAYAK., ADVOCATE)





THIS MFA IS FILED UNDER SECTION 19(1) OF FAMILY COURT ACT, AGAINST THE JUDGMENT AND DECREE DATED.08.07.2025 PASSED IN MC NO.555/2024 ON THE FILE OF THE I ADDL. PRL. JUDGE, FAMILY COURT, MYSURU, ALLOWING THE PETITION FILED U/S 13(1)(i-a) OF HINDU MARRIAGE ACT.

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

CORAM: HON'BLE MR. JUSTICE D K SINGH  
and  
HON'BLE MR. JUSTICE T.M.NADAF

**ORAL JUDGMENT**

(PER: HON'BLE MR. JUSTICE D K SINGH)

The present appeal under Section 19(1) of Family Court Act, 1984 has been filed impugning the judgment and decree dated 08.07.2025 passed by the I Additional Principal Judge, Family Court, at Mysuru.

2. In the petition filed by the respondent-husband under Section 13(1-A)(i) and 13(1)(i-b) of Hindu Marriage Act, 1955, seeking decree of dissolution of the marriage performed between the parties.



3. In the divorce petition, the address of the appellant-wife was given as 'Wife of Mahesh.N.G' and 'daughter of Mahadevappa', aged about 33 years, resident at D.No.207, 2<sup>nd</sup> Ward, Nagarathnamma Badavane, Gundlupet Town, Chamarajanagar District, working as Guest Lecturer, J.S.S.College for Women. However, the summons taken in the divorce petition for service on the appellant-wife as Uma.M Alias Maheshwari, S/o Mahesh. As the name and address were incorrect, the same could not be served. The summons was pasted on the nearby electric pole of the address mentioned in the summons and another duplicate summons affixed on the Municipality Notice Board.

4. It's very strange that this service of summons has been considered by the Family Court as sufficient. As no proper service of summons was effected on the appellant-wife. She could not participate in the proceedings and was placed ex-parte by the Family Court



and in her absence, the impugned judgment and decree has been passed.

5. The facts are not denied that in summons, the name of the appellant-wife was wrongly mentioned and the summons was not delivered at the given address, but was pasted it at some electric pole and the Municipality Notice Board. There is no endorsement that 'Uma.M Alias Maheshwari' was not found at the address given. We are therefore, of the view that the proper notice was not issued for service on the appellant-wife, and therefore, she could not attend the proceedings.

6. Be that as it may, there was no proper notice to the appellant-wife and the satisfaction of service arrived at by the Family Court was completely incorrect. The impugned judgment and decree has been granted without the appellant-wife representation. In the absence of the service of the summons, we set aside the impugned judgment and decree and remand the matter back to the



Family Court for fresh consideration. The appellant-wife should be afforded an opportunity of filing the objections to the divorce petition, and the parties shall lead their evidence in support of their case before the Family Court.

7. We direct the parties to remain present before the Family Court concerned on 18.06.2026. We request the Family Court to conclude the proceedings in the divorce petition as expeditiously as possible, preferably within a period of six months from today. Accordingly, appeal is ***allowed***.

In view of disposal of the appeal, pending application/s if any, does not survive for consideration and the same are disposed of.

**Sd/-  
(D K SINGH)  
JUDGE**

**Sd/-  
(T.M.NADAF)  
JUDGE**

RR  
List No.: 2 Sl No.: 15/ct-vn