

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF MARCH 2022

PRESENT

THE HON'BLE MR. JUSTICE ALOK ARADHE

AND

THE HON'BLE MR.JUSTICE S. VISHWAJITH SHETTY

M.F.A. NO.1182 OF 2022 (FC)

BETWEEN:

SMT. NIVEDITA VIRUPAXAPPA MYAGERI
D/O VIRUPAXAPPA MYAGERI
AGED ABOUT 24 YEARS
PRESENTLY R/AT NO.21
SANGAMESHWAR NAGAR
VIDYANAGAR, HUBLI 560031.

... APPELLANT

(BY MR. RAVINDRANATH K, ADV.,)

AND:

SRI. KARTHEEKA M.G.
S/O RENUKANANDA M.G.
AGED ABOUT 29 YEARS
R/AT NO.97, FLAT NO. P1
GURU SAI KRUPA SWATHI SWARA
APARTMENT, SANJAYANAGAR
BENGLAURU 560094.

... RESPONDENT

(BY MR. ARUN GOVINDRAJ, ADV., FOR C/R)

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THIS MFA IS FILED U/S. 19(1) FAMILY COURT ACT,
AGAINST THE JUDGMENT AND DECREE DT.21.01.2022 PASSED IN
MC NO.3129/2020 ON THE FILE OF THE I ADDITIONAL PRL.
JUDGE, FAMILY COURT, BENGALURU, ALLOWING THE PETITION
FILED U/S.13(1)(ia) OF THE HINDU MARRIAGE ACT.

THIS M.F.A. COMING ON FOR ORDERS, THIS DAY,
ALOK ARADHE J., DELIVERED THE FOLLOWING:

JUDGMENT

Mr.Ravindranath K., learned counsel for the appellant.

Mr.Arun Govindraj, learned counsel for the respondent.

This appeal has been filed under Section 19(1) of the Family Courts Act, 1984 against the judgment dated 21.01.2022 passed by the Family Court by which the petition filed by the respondent under Section 13(1)(ia) of the Hindu Marriage Act, 1955 has been allowed and the marriage between the parties has been dissolved by a decree of divorce.

2. Parties along with their counsel are present before this Court. Parties have filed a memo which has been duly signed by them as well as their counsel. The dispute between the parties has been amicably settled on the following terms and conditions:

1. The Appellant and the Respondent state that their marriage was solemnized on 30.11.2017 at Mathura Hall, Hotel Denison's,

Dollars Colony, Airport Road, Hubballi, as per Hindu rites and customs. Subsequently the said marriage was registered before the Registrar of Marriage, Hubballi (south) on 29.11.2018 vide Marriage No.HBL-HM1098-2018-19, stored in C.D.No.HBLM25.

2. The Appellant and the Respondent state and admit that due to irreconcilable differences and incompatibility of temperaments, they have been living separately from March 2019. The efforts made by the elders, friends and well wishers to resolve the differences between the Appellant and the Respondent have failed.

3. The Appellant and the Respondent state that they have no children born to them from their wedlock.

4. The Respondent has agreed to pay the Appellant a sum of Rs.23,50,000/- (Rupees Twenty Three Lakhs Fifty Thousand Only) towards full and final settlement of all claims towards permanent alimony/maintenance either in past, present or future by way of demand draft before this Hon'ble at the time of acceptance of this report.

5. In view of the settlement, the Appellant undertakes to unconditionally withdraw the following cases:

a. *Petition filed by the Appellant against the Respondent and his parents namely, Renuakananda M.G. and Vijayakumari under section 12 of the Protection of Women from Domestic Violence Act vide Crl.Misc.109/2020 pending adjudication before the I Additional Civil Judge (Jr.Dvn.,) and J.M.F.C. Hubballi.*

b. *Petition filed by the Appellant against the Respondent under section 125 of the Code of Criminal Procedure, 1973 vide Crl.Misc.48/2021 pending adjudication before the Principal Family Judge, Hubballi.*

c. *Petition filed by the Appellant against the Respondent under section 9 of the Hindu Marriage Act, 1955 vide M.C.No.392/2021 pending adjudication before the Principal Family Judge, Hubbballi.*

6. *In view of the settlement, the Respondent undertakes to withdraw the following cases:*

a. *Civil Petition No.221/2020 filed by the Respondent and his parents, namely Renuakananda M.G. and Vijayakumari against the Appellant under section 24 of the Code of Civil Procedure, 1908 seeking for the transfer of Crl.Misc.109/2020 to the Jurisdictional Magistrate Court at Bengaluru.*

b. Civil Petition No.295/2021 filed by the Respondent against the Appellant under section 24 (1)(b)(ii) of the Code of Civil Procedure, 1908 seeking for the transfer of Crl.Misc.48/2021 to the Jurisdictional Family Court at Bengaluru.

c. Civil Petition NO.368/2021 filed by the Respondent against the Appellant under section 24(1)(b)(ii) of the Code of Civil Procedure, 1908 seeking for the transfer of M.C.No.392/2021 to the Jurisdictional Family Court at Bengaluru.

7. In the event, if any of the parties fail to withdraw the cases as listed above, it shall be lawful for the other party to get such matters dismissed on the basis of this memorandum of settlement, after its acceptance by this Hon'ble Court.

8. The Appellant and the Respondent have already exchanged all their articles such as gold, silver and other valuables belonging to each other.

9. The Appellant and the Respondent also hereby state and agree that they do not have any claims over the moveable or immoveable assets belonging to each other or their family members, either existing or to be acquired in future.

10. Both the Appellant and the Respondent have agreed to withdraw all the allegations made against each other.

11. Both the Appellant and the Respondent hereby declare that they shall have no claim of any nature whatsoever against each other either past, present and future and shall not initiate any litigation on the cause of action, giving rise to this appeal and all the proceedings listed herein above.

12. Both the Appellant and the Respondent state that there is no undue influence, force, or coercion in entering into this agreement.

13. Both the Appellant and the Respondent admit that they shall not interfere in the personal and profession lives of each other for any reason whatsoever henceforth.

The respondent has handed over a Demand Draft of Rs.23,50,000/- to the appellant, receipt of which has been acknowledged by the appellant.

3. In view of amicable settlement arrived at between the parties, the judgment and decree passed by the Family

Court is modified and the appeal is disposed of in terms of the compromise arrived at between the parties.

**Sd/-
JUDGE**

**Sd/-
JUDGE**

RV