

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 11TH DAY OF SEPTEMBER 2026**

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

MISCELLANEOUS FIRST APPEAL NO.3547/2026(FC)

C/W

MISCELLANEOUS FIRST APPEAL NO. 5574/2026(FC)

IN MFA No. 3547/2026:

BETWEEN:

[REDACTED]

...APPELLANT

(BY SRI. PREM PRASAD SHETTY.,ADVOCATE)

AND:

[REDACTED]

...RESPONDENT

(BY SRI. MURUGESH V. CHARATI, ADVOCATE)

THIS MFA FILED U/S 19(1) OF FAMILY COURTS ACT
AGAINST THE JUDGMENT AND DECREE DATED 27.02.2026
PASSED IN MC NO. 168/2023 ON THE FILE OF THE I
ADDITIONAL PRINCIPAL JUDGE, FAMILY COURT, DAKSHINA



KANNADA, MANGALURU, DISMISSING THE PETITION FILED UNDER SECTION 9 OF THE HINDU MARRIAGE ACT, 1955.

IN MFA NO. 5574/2026:

BETWEEN:

[REDACTED]

...APPELLANT

(BY SRI. MURUGESH V. CHARATI.,ADVOCATE)

AND:

[REDACTED]

...RESPONDENT

THIS MFA FILED U/S 19(1) OF FAMILY COURTS ACT AGAINST THE JUDGMENT AND DECREE DATED 27.02.2026 PASSED IN MC NO. 168/2023 ON THE FILE OF THE I ADDITIONAL PRINCIPAL JUDGE, FAMILY COURT, DAKSHINA KANNADA, MANGALURU, DISMISSING THE PETITION FILED UNDER SECTION 9 OF THE HINDU MARRIAGE ACT, 1955.

THESE APPEALS HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 20.08.2026 AND COMING ON FOR PRONOUNCEMENT THIS DAY, **HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN** MADE THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE D K SINGH
AND
HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

CAV JUDGMENT

(PER: HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN)

Both the parties are well educated and come from a background where education is expected to bring not merely professional accomplishment, but also maturity, understanding and a sense of responsibility. Persons who have had the benefit of education and opportunity are expected to set an example by resolving their differences with dignity and restraint. Their conduct, therefore, ought to be a reflection of the values which education seeks to cultivate. A matrimonial relationship may fail, but the manner in which the parties conduct themselves during and after such failure should remain dignified. They should, particularly in view of their educational and social standing, endeavour to be role models for others by demonstrating that even in moments of deep disagreement, respect, fairness and humanity can prevail over blame and bitterness.

These appeals are directed against the judgment and decree dated 27.02.2026 passed by the I Additional Principal Judge, Family Court, D.K., Mangaluru, in M.C.No.168/2023 ('the Family Court' for brevity) whereby the petition filed by the Petitioner-wife under Section 9 of the Hindu Marriage Act, 1955 ('the HM Act' for brevity) came to be dismissed and the respondent's counter-claim seeking divorce under Section 13(1)(i-a) of the HM Act, was allowed and the marriage solemnized between the Petitioner and the Respondent was dissolved by a decree of divorce by directing the respondent to pay Rs.50,00,000/- to the petitioner as permanent alimony.

2. Being aggrieved by dismissal of her petition, the wife has filed M.F.A.No.5574/2026 whereas, questioning the quantum of permanent alimony, husband has filed M.F.A.No.3547/2026.

3. For the sake of convenience, the parties shall be referred to as per their ranking before the Family Court.

4. Case of the petitioner in brief is that, her marriage with the Respondent was solemnized on 06.01.2021 at T.M.A. Pai International Convention Centre, Mangaluru, according to the customs and rites prevailing in the Bunt Community. According to her, the Respondent was carrying on a lucrative business in Doha, Qatar, and prior to the marriage had represented that he had sufficient income and that she could either work or remain at home. She was then working as an Assistant Professor at Shree Devi Institute of Technology, Mangaluru, but claimed that she left her employment in 2019 at the instance of the Respondent. After the marriage, the Respondent initially took her to Mumbai and thereafter left for Qatar, assuring her that she would be taken to Qatar as soon as her visa was arranged.

5. The Petitioner alleged that during her stay in the matrimonial home at Mumbai she was subjected to ill-treatment by the Respondent and his parents. She alleged that the Respondent's mother interfered with her day-to-day life, criticised her for household matters and indirectly

made references to the quantum of gold given to her at the time of marriage. She further alleged that the Respondent did not support her against his parents and that, on several occasions, she was asked to go back to her parental home. She claimed that after she went to Qatar in November 2021, the Respondent pressurised her to obtain employment, subjected her to verbal and physical abuse and ultimately sent her back to India on 23.01.2022 when her visa was about to expire. She maintained that she was willing to return to Qatar and resume matrimonial life, but the Respondent refused to take her back.

6. According to the Petitioner, even after her return to India, she and her family members made repeated attempts to reconcile the dispute. She alleged that the Respondent blocked her telephone number, refused to take her back either to Qatar or to the Mumbai matrimonial home and repeatedly expressed his unwillingness to continue the marriage. She further stated that in February 2023 she went to the Mumbai

matrimonial home accompanied by relatives and a policeman, but was ultimately made to leave. She therefore issued a legal notice dated 09.03.2023 calling upon the Respondent to take her back and, on receiving no satisfactory response, instituted the petition under Section 9 of the HM Act seeking restitution of conjugal rights and also a restraint against alienation of the shared household.

7. On the other hand, Respondent-husband has substantially denied the allegations of the Petitioner and contended that the petition for restitution of conjugal rights was false, frivolous and unsustainable. He admitted the marriage and the broad circumstances surrounding the marriage negotiations, but alleged that from the very beginning the Petitioner was quarrelsome, overly sensitive and unwilling to adjust with his parents and family. He also referred to the fact that the Petitioner had an earlier engagement which had broken down and stated that, despite being informed of it, he had proceeded with the marriage in good faith.

8. The Respondent's case was that the Petitioner repeatedly created disputes over trivial matters, including household arrangements, interactions with his parents, outings, gifts and other family matters. He denied the allegations of physical and mental cruelty made by her and instead alleged that her conduct caused considerable mental agony to him and his parents. He stated that during the COVID period he had made efforts to arrange for her travel to Qatar, including arranging accommodation and employment-related documentation, but that visa and travel restrictions prevented her from being taken there immediately. According to him, the Petitioner was also reluctant to take up employment despite his suggestion that she should keep herself occupied.

9. The Respondent further contended that the Petitioner's conduct continued even in Qatar and that the matrimonial relationship had become unworkable. He alleged that she quarreled with him and his family, made allegations against them, and ultimately created circumstances which made it impossible for him to

continue the marital relationship. He relied upon the Petitioner's conduct in repeatedly contacting him and his relatives, visiting the Mumbai residence with others and, according to him, using such incidents to create pressure. He therefore sought dissolution of the marriage under Section 13(1)(i-a) of the HM Act on the ground of cruelty.

10. In her rejoinder to the statement of objections and counter-claim, the Petitioner denied the allegations of cruelty made against her and contended that the Respondent had no moral, legal or factual basis to seek dissolution of the marriage. She contended that the allegations made by the Respondent were intended to harass her and force her into a situation where she would be compelled to agree for divorce. She reiterated that she had left her employment at the instance of the Respondent and had thereafter remained without an independent source of livelihood.

11. The Petitioner maintained that she had made every possible effort to preserve the marriage. She relied

upon the various communications exchanged with the Respondent and the efforts made by her parents, brother, maternal uncle and other elders to persuade the Respondent and his family to resume the matrimonial relationship. She contended that, despite her repeated requests and even her willingness to seek forgiveness for any misunderstanding, the Respondent remained unwilling to take her back. She therefore disputed the allegation that she had withdrawn from the matrimonial relationship or had treated the Respondent with cruelty.

12. The Petitioner further stated that, in the event the counter-claim for divorce was allowed, she would be left without adequate means of support because she had given up her employment before marriage at the instance of the Respondent and had remained out of her professional career thereafter. As such, she claimed for a permanent alimony of Rs.3,00,00,000/-, reserving liberty to seek a higher amount if the Respondent's actual income and standard of living were found to be higher.

13. Based on the pleadings, the Family Court framed the following points:

- 1. Whether the Petitioner proves that the Respondent has withdrawn from her society without reasonable excuse as alleged in the petition?*
- 2. If so, whether the Petitioner is entitle for the restitution of conjugal rights as claimed in his counter-claim?*
- 3. Whether the Petitioner is entitle for prohibition order against the Respondent as claimed in the prayer column of VI (2) of the petition?*
- 4. Whether the Respondent proves that the Petitioner has treated him with cruelty and he apprehends danger at the hands of the Respondent to continue the marital relationship as alleged in the statements of objection?*
- 5. Whether the Respondent is entitled to a Decree of Divorce as prayed in his counter-claim?*
- 6. Whether the Petitioner is entitled for permanent alimony of Rs.3,00,00,000/- if the counterclaim is allowed for decree of divorce as claimed in the rejoinder?*
- 7. What Order?*

14. The Petitioner examined herself as P.W.1 and her maternal uncle, Shahinath Shetty, as P.W.2. The

Petitioner marked Ex.P1 to Ex.P10, while Ex.P11, being the Commercial Registration Data, was confronted to the Respondent during his cross-examination. P.W.1 reiterated the material allegations contained in the petition, including the alleged ill-treatment by the Respondent and his parents, the circumstances surrounding her return from Qatar and the subsequent efforts made to resume matrimonial life.

15. In cross-examination, P.W.1 denied the allegations that she was quarrelsome or that she picked up disputes over trivial matters. She denied the allegations relating to the footwear, the Rs. 5,000 gift, the Satyanarayana Pooja, her conduct during outings and the alleged quarrels in the matrimonial home. She maintained that she had performed household work and cooking and denied that she had behaved disrespectfully towards the Respondent's parents. However, the Court noticed that she admitted several circumstances relating to the visa, her stay in Qatar and the various attempts made to communicate with the Respondent.

16. P.W.2 supported the Petitioner regarding the efforts made by her relatives to reconcile the dispute and his communications with the Respondent. In cross-examination, however, he admitted that he had not participated in the marriage negotiations, that he had limited personal knowledge regarding the initial matrimonial life of the parties and that he was not in contact with the Respondent's in-laws.

17. The Respondent examined himself as R.W.1 and marked Ex.R1 to Ex.R9. In cross-examination, he admitted that he had worked as General Manager at Alphatech Services and Trading and had also carried on an informal business; he stated that he was removed from Alphatech in 2024.

18. R.W.1 stated that he was not willing to take the Petitioner back to lead matrimonial life. He admitted that after her return to her parental home he did not visit her and also admitted that he did not provide money for her expenses after she returned from Qatar. He maintained

that the Petitioner's visa had expired and that the inability to obtain a family/resident visa was the reason for her return. Significantly, he did not produce documents showing rejection of the family or dependent visa application. He also admitted the communications between the parties and the Petitioner's efforts to contact him through other telephones after her number was blocked.

19. Considering the evidence and after hearing both the parties, the Family Court first considered the burden in a petition under Section 9. It held that the Petitioner, who alleged that the Respondent had withdrawn from her society without reasonable excuse, had the initial burden of establishing that the Respondent had withdrawn without just cause. At the same time, the Family Court was required to examine the Respondent's plea that there existed a reasonable cause for his withdrawal, particularly where he alleged cruelty on the part of the Petitioner.

20. On appreciation of the evidence, the Family Court found that the parties had been incompatible from

the beginning and that there were repeated misunderstandings between the Petitioner and the Respondent and also between the Petitioner and the Respondent's parents. The Family Court noticed that the Petitioner was more educated and had previously been employed, while the Respondent had admitted that he had asked her to leave her employment and that there were difficulties in obtaining a family visa. The Family Court, however, found that the Petitioner's allegations regarding the Respondent's deliberate failure to take her back to Qatar were not fully established, particularly because her visa had expired and she had admitted the relevant circumstances.

21. The Family Court further considered the cumulative effect of the conduct of both parties. It concluded that the Petitioner's conduct, including the repeated disputes with the Respondent and his family, the circumstances surrounding her visit to the Mumbai house with relatives and police, and the allegations made against the Respondent, amounted to mental cruelty. Relying

upon the principles referred to in ***Samar Ghosh v. Jaya Ghosh***,¹ ***K. Srinivasa Rao v. Deepa***² and other decisions, the Family Court held that the marriage was broken down beyond repair and that there was no realistic scope for restitution of conjugal rights.

22. On the question of permanent alimony, the Family Court noticed that the Petitioner had originally claimed Rs.3,00,00,000/-. It found that the claim was excessive and that there was no cogent evidence to support such a large amount. Nevertheless, the Family Court held that the Petitioner was unemployed, though well educated, and that she had left her employment at the instance of the Respondent. Therefore, according to the Family Court, she was entitled to permanent alimony for her maintenance and sustenance.

23. The Family Court then examined the financial position of the Respondent. It relied upon Ex.R4 and observed that the material on record showed an income of

¹ (2007) 4 SCC 511.

² (2013) 5 SCC 226.

at least 15,000/- Qatari Riyals per month, which it calculated at about Rs.3,60,000/- per month and more than Rs.43,20,000/- annually. The Family Court also noticed the bank transactions, the Respondent's movable assets and the property reflected in Ex.P9, and found that the Respondent had not satisfactorily disclosed his complete financial position in the affidavit of assets and liabilities.

24. The Family Court also considered that the Petitioner was young, educated and had future earning prospects, but nevertheless held that she had remained without employment and required financial security. Taking into consideration the financial circumstances of both parties and the material available before it, the Family Court rejected the claim of Rs.3,00,00,000/- as exorbitant but awarded Rs.50,00,000/- as permanent alimony.

25. The Family Court ultimately held that the Petitioner had failed to establish that the Respondent had

withdrawn from her society without reasonable excuse. The Court found that the Respondent had reasonable cause for his withdrawal and that the conduct of the Petitioner had caused mental cruelty to him. Consequently, the Petitioner was held not entitled to restitution of conjugal rights.

26. The Family Court further held that the Respondent had proved the ground of cruelty and that the matrimonial relationship had broken down beyond repair. It therefore allowed the Respondent's counter-claim and dissolved the marriage under Section 13(1)(i-a) of the HM Act. The prayer for the prohibitory order concerning the shared household was also rejected, principally because the main relief of restitution of conjugal rights had failed.

27. As regards maintenance, the Court held that the Petitioner was entitled to permanent alimony, though not to the Rs.3,00,00,000/- claimed by her. It awarded Rs.50,00,000/- directing the Respondent to pay the same within three months from the date of judgment. The

petition under Section 9 was accordingly dismissed, the counter-claim for divorce was allowed, and the decree of divorce was granted.

28. Aggrieved by the judgment and order passed by the Family Court, the Petitioner-wife has preferred M.F.A. No. 5574 of 2026, seeking setting aside of the judgment and decree passed by the Family Court and also seeking enhancement of the permanent alimony awarded in her favour, in terms of the amount claimed by her in the rejoinder to the counter-claim filed by the Respondent.

29. The Respondent-husband has also preferred M.F.A. No. 3547 of 2026, challenging the judgment and decree of the Family Court insofar as it relates to the award of permanent alimony of Rs.50,00,000/- and seeking reduction of the said amount to a sum not exceeding Rs.10,00,000/-.

30. It is relevant to note that the Petitioner, in M.F.A. No. 5574 of 2026, has challenged the entire judgment and decree passed by the Family Court and,

consequently, the findings recorded therein with regard to the petition under Section 9 of the HM Act, as well as the decree of divorce granted under Section 13(1)(i-a) of the said Act, are also subject matter of challenge. In addition, the Petitioner has sought enhancement of the permanent alimony awarded in her favour.

31. On the other hand, the Respondent, in M.F.A. No. 3547 of 2026, has challenged the judgment and decree insofar as the award of permanent alimony of Rs.50,00,000/- is concerned and seeks reduction of the same to a sum not exceeding Rs.10,00,000/-.

32. The principal grievance of the respondent is against the award of Rs.50,00,000/- towards permanent alimony. It is contended that the Family Court, having found that the marriage had subsisted only for about two years and that the parties had actually lived together for a relatively short period, failed to properly consider the duration of the marriage while determining the quantum of permanent alimony. The Family Court is also alleged to

have failed to appreciate that the Respondent was unemployed from 2024 and that his present financial position, liabilities, cost of living and other responsibilities were not properly considered before imposing such a substantial financial liability.

33. It is further urged that the Family Court proceeded principally on the basis of the Respondent's earlier salary of about 15,000/- Qatari Riyals per month, without adequately distinguishing between gross income and actual disposable income. According to the Respondent, the Court failed to properly appreciate Ex.R1, the termination letter, as well as the Respondent's bank statements, liabilities and business position. It is also contended that the Petitioner is a well-qualified M.Tech graduate with previous employment experience and has the capacity to earn, which ought to have been taken into consideration while assessing permanent alimony. The respondent also relies upon the fact that interim maintenance of Rs.25,000/- per month had been paid during the pendency of the proceedings.

34. Lastly, it is contended that the quantum of Rs.50,00,000/- is excessive, disproportionate and unsupported by cogent material demonstrating the Petitioner's actual future financial requirement. The Respondent asserts that the Family Court failed to properly apply the principles governing permanent alimony and did not undertake a comprehensive assessment of the respective assets, liabilities, earning capacity and financial circumstances of both parties. It is therefore sought that the direction to pay Rs.50,00,000/- be set aside or suitably reduced, particularly in view of the Respondent's present unemployment, financial liabilities and the Petitioner's educational qualifications and earning capacity.

35. In M.F.A. No. 5574 of 2026, the Petitioner-wife has challenged the judgment and decree contending that the findings of the Family Court are contrary to the pleadings, evidence and material on record. It is her case that the Respondent himself had persuaded her to leave her employment on the assurance of providing better employment opportunities in Qatar, but thereafter failed to

take her back, provide financial support or make genuine efforts to resume the matrimonial relationship. She contends that her visit to the matrimonial home at Mumbai in February 2023 was only with an intention to resume cohabitation and could not have been treated as an act of cruelty. According to her, the Respondent's conduct, including his failure to respond to her communications and his prolonged refusal to resume matrimonial life, was responsible for the breakdown of the marriage.

36. The Petitioner further contends that the Family Court failed to properly appreciate the Respondent's actual financial position. It is urged that the bank statements disclose substantial deposits and that the Respondent was earning approximately 15,000/- Qatari Riyals per month, apart from his association with the family business and ownership of valuable assets. She submits that the Respondent did not make a complete disclosure of his assets, liabilities and income as required under the principles laid down in ***Rajnish v. Neha***.³ The Petitioner

³ (2021) 2 SCC 324.

therefore contends that the Family Court ought to have drawn an adverse inference from such incomplete disclosure and properly assessed his financial capacity while determining permanent alimony.

37. It is therefore contended that, having regard to the Petitioner's educational and matrimonial circumstances, the fact that she had remained without independent employment after leaving her job, and the Respondent's financial capacity and standard of living, the award of Rs.50,00,000/- towards permanent alimony is wholly inadequate. The Petitioner accordingly seeks interference with the impugned judgment and decree, setting aside of the findings adverse to her, rejection of the Respondent's counterclaim for divorce and enhancement of the permanent alimony to the amount claimed by her.

38. Having regard to the pleadings, the evidence of P.W.1 and R.W.1, their respective cross-examinations, the documentary evidence placed on record, the reasoning

assigned by the Family Court and the grounds urged in both the appeals, the question that arises for our consideration is whether the judgment and decree passed by the Family Court is to be interfered with.

39. We have heard Sri. Prem Prasad Shetty, Learned Counsel appearing for the Respondent, Sri. Murugesh V. Charati, Learned Counsel appearing for the Petitioner and we have carefully perused the records before us.

40. The marriage between the Petitioner and the Respondent was solemnized on 06.01.2021 at T.M.A. Pai International Convention Centre, Mangaluru. The Petitioner approached the Family Court in M.C.No.168/2023 under Section 9 of the HM Act seeking restitution of conjugal rights and consequential reliefs. The Respondent resisted the petition and, by way of counter-claim under Section 13(1)(i-a) of the HM Act, sought dissolution of the marriage on the ground of cruelty. During the proceedings, the Petitioner claimed permanent

alimony of Rs.3,00,00,000/-. The Family Court, on appreciation of the evidence, dismissed the petition under Section 9, allowed the counter-claim for divorce and awarded permanent alimony of Rs.50,00,000/-. Aggrieved by the quantum, the Petitioner has preferred M.F.A.No.5574/2026 seeking enhancement, whereas the Respondent has preferred M.F.A. No.3547/2026 seeking reduction of the amount, contending that the award is excessive having regard to the short duration of the marriage, the period of actual cohabitation, his financial liabilities and his subsequent loss of employment.

41. The Petitioner, in support of her appeal, contends that the Family Court has not properly appreciated the Respondent's financial capacity and the circumstances in which she remained without employment. She relies upon the bank statements, the deposits reflected therein, the Respondent's earnings in Qatar, his association with the family business and the assets which, according to her, were not fully disclosed in the affidavit of assets and liabilities. The Family Court itself noticed that the

Respondent had not explained several deposits and had not furnished all the bank statements as contemplated in ***Rajnesh (supra)***. It also noticed that the material on record disclosed earnings of at least 15,000/- Qatari Riyals per month, apart from certain assets not disclosed by him. At the same time, the Family Court took into consideration that the Petitioner is young, well-educated and has future earning prospects, and therefore found her claim of Rs.3,00,00,000/- to be excessive.

42. On the other hand, the Respondent contends that the Family Court failed to give due weight to the fact that the marriage subsisted for barely two years and that the parties had actually lived together only for a few months. He further contends that the amount of Rs.50,00,000/- is disproportionate to the duration of the marriage and that the Family Court proceeded on the assumption that his employment in Qatar established substantial financial capacity, without adequately considering his cost of living, debts, liabilities, responsibility towards his aged parents and his subsequent

termination from employment. He also contends that the Petitioner is highly educated and capable of earning independently. The Family Court, however, had considered the termination letter as well as these contentions, but found that the Respondent's financial disclosure was incomplete and that, notwithstanding the Petitioner's future earning capacity, her present circumstances, her having remained without employment and the Respondent's disclosed financial position justified an award of Rs.50,00,000/-.

43. The Petitioner deposed as P.W.1, in her cross-examination, denied the allegations that she was quarrelsome, refused to perform household work or behaved disrespectfully towards the Respondent's parents. She also denied the specific allegations relating to the Satyanarayana Pooja, the dress worn by her, locking of the bedroom and other incidents relied upon by the Respondent. However, the answers elicited in cross-examination, when considered with the other material on record, disclosed that there were recurring differences

between the Petitioner and the Respondent's family and that the matrimonial atmosphere was not cordial.

44. Her cross-examination further disclosed that the visa under which she had travelled to Qatar had expired and that she consequently returned to India. She admitted that the Respondent had made arrangements for a work permit, while the Respondent maintained that the family/dependent visa could not be secured. After returning to India, she did not resume cohabitation with the Respondent. Her subsequent visit to the Mumbai residence along with her relatives and police was also considered by the Family Court in the context of the parties' strained relationship. The Family Court ultimately found that the Petitioner had failed to establish that the Respondent had withdrawn from her society without reasonable excuse.

45. P.W.2, the Petitioner's maternal uncle, supported her case regarding the subsequent efforts for reconciliation and communications with the Respondent.

However, his cross-examination showed that he had not participated in the marriage negotiations, had limited personal knowledge of the initial matrimonial life and was not in regular contact with the Respondent's family. His evidence, therefore, could not furnish independent corroboration of the specific incidents alleged by the Petitioner. On the other hand, the Respondent's evidence and the circumstances brought out in the cross-examination were relied upon by the Family Court in arriving at its conclusion regarding the matrimonial discord and the Respondent's counter-claim.

46. The Respondent deposed as R.W.1 and in his cross-examination, the Respondent admitted that after the Petitioner returned to India from Qatar, he did not visit her and did not provide her any financial assistance towards her expenses. He also admitted that the Petitioner, along with her relatives, had visited his Mumbai residence, though he maintained that they had come along with the police and disputed that she had genuinely intended to resume matrimonial life. He further admitted that he had

blocked the Petitioner's telephone number and that she thereafter attempted to contact him through her father's phone.

47. Significantly, the Respondent stated in cross-examination that he was not willing to take the Petitioner back to resume matrimonial life. He also admitted that the Petitioner had no employment after leaving her earlier job, though he contended that she had the support of her father and brother. These admissions are relevant not only to the question of the parties' matrimonial relationship but also to the determination of permanent alimony, particularly when the Petitioner had remained without independent employment. The Family Court was therefore justified in considering the Respondent's own admissions along with the other evidence while assessing the circumstances of the parties.

48. On an overall consideration of the evidence, what emerges is not a case where one isolated incident can be picked out and treated as determinative. The evidence

discloses a matrimonial relationship which became strained almost from the beginning. There were differences between the Petitioner and the Respondent's parents, disputes concerning household affairs, differences regarding the Petitioner's employment, disagreements during the period of their stay at Mumbai and Qatar, and finally complete breakdown of communication and cohabitation. The Family Court has therefore considered the cumulative effect of the conduct of both parties rather than examining each allegation in isolation. Such an approach cannot be said to be either perverse or contrary to the evidence on record.

49. In this regard, we draw our attention to the observations of the Hon'ble Supreme Court in ***Shobha Rani v. Madhukar Reddi***,⁴ wherein it was held:

"4. Section 13(1)(i-a) uses the words "treated the petitioner with cruelty". The word "cruelty" has not been defined. Indeed it could not have been defined. It has been used in relation to human conduct or human behaviour. It is the conduct in relation to or in respect of matrimonial duties and obligations. It is a course of conduct of one which is adversely affecting the other. The cruelty may be mental or physical, intentional or

⁴ (1988) 1 SCC 105

unintentional. If it is physical the court will have no problem to determine it. It is a question of fact and degree. If it is mental the problem presents difficulty. First, the enquiry must begin as to the nature of the cruel treatment. Second, the impact of such treatment on the mind of the spouse. Whether it caused reasonable apprehension that it would be harmful or injurious to live with the other. Ultimately, it is a matter of inference to be drawn by taking into account the nature of the conduct and its effect on the complaining spouse. There may, however, be cases where the conduct complained of itself is bad enough and per se unlawful or illegal. Then the impact or the injurious effect on the other spouse need not be enquired into or considered. In such cases, the cruelty will be established if the conduct itself is proved or admitted."

50. Further, it is also relevant for us to note the observations of the Hon'ble Supreme Court in **Naveen Kohli v. Neelu Kohli**,⁵ wherein it was held:

"74. We have been principally impressed by the consideration that once the marriage has broken down beyond repair, it would be unrealistic for the law not to take notice of that fact, and it would be harmful to society and injurious to the interests of the parties. Where there has been a long period of continuous separation, it may fairly be surmised that the matrimonial bond is beyond repair. The marriage becomes a fiction, though supported by a legal tie. By refusing to sever that tie the law in such cases does not serve the sanctity of marriage; on the contrary, it shows scant regard for the feelings and emotions of the parties.

⁵ (2006) 4 SCC 558.

75. Public interest demands not only that the married status should, as far as possible, as long as possible, and whenever possible, be maintained, but where a marriage has been wrecked beyond the hope of salvage, public interest lies in the recognition of that fact."

51. In the instant case, the Petitioner undoubtedly alleged several instances of ill-treatment and cruelty. However, the Family Court found that several of those allegations were not independently corroborated and that some of the circumstances emerging from her own cross-examination supported the Respondent's case that there were persistent differences between the Petitioner and his family. The Petitioner was under the initial burden of establishing that the Respondent had withdrawn from her society without reasonable excuse. Her evidence regarding the expiry of the visa, her return to India and the subsequent conduct of the parties did not discharge that burden. The Court also noticed that the Petitioner had not returned to the matrimonial home but had subsequently gone there with her relatives and police, which was

considered inconsistent with an uncomplicated and bona fide attempt to resume matrimonial cohabitation.

52. At the same time, the Respondent's conduct cannot be viewed in isolation. His refusal to resume cohabitation, his failure to visit the Petitioner after her return, his blocking of her telephone number and his admitted failure to provide her financial support were also circumstances forming part of the matrimonial history. The Family Court has not completely absolved either party of blame.

53. Considering the allegations and counter allegations levelled by each party against the other shows a marriage that had no hopes of survival from its very inception. The entire facts disclose a marriage that is disintegrated beyond any scope of revival and no useful purpose would come out of continuing to keep the parties married to each other. In such circumstances, continuing to keep the parties married to each other itself would amount to cruelty. As such, we find no compelling reason

to disturb the order of the Family Court in ordering for dissolution of marriage on the ground of cruelty under Section 13(1)(i-a) of the HM Act.

54. The more substantial question arising in these appeals is the quantum of permanent alimony. The Petitioner had claimed Rs.3,00,00,000/-. The Family Court did not mechanically accept that claim. It specifically found that the amount claimed was exorbitant and that there was no cogent material to justify an award of Rs.3,00,00,000/-. At the same time, it found that the Petitioner had remained without employment and that she had left her earlier employment before the marriage at the instance of the Respondent.

55. The Family Court also examined the financial circumstances of the Respondent. Ex.R.3 was the Respondent's YES Bank statement and Ex.R.4 was his Commercial Bank statement. The Court noticed salary credits in the Commercial Bank account and, on the basis of the material available before it, found that the

Respondent was earning at least 15,000/- Qatari Riyals per month, which the Court assessed at approximately Rs.3,60,000/- per month. The Court further noticed deposits in his bank accounts for which, according to the judgment, satisfactory explanation had not been furnished. It also took note of the Respondent's movable assets and the property reflected in Ex.P.9.

56. Equally importantly, the Family Court did not ignore the Respondent's case regarding his financial difficulties. Ex.R.1, the termination letter, was considered. The Respondent contended that he had lost his employment and had liabilities and loans. The Court, however, noticed that the affidavit of assets and liabilities contained several alleged hand loans for which supporting documents had not been produced, and that the Respondent had not furnished complete financial information. The Court also noticed that the Respondent had not produced all the bank statements in the manner contemplated by the principles referred to in the judgment.

57. The Family Court also took into consideration the Petitioner's position. It did not accept her claimed monthly expenditure of Rs.1,28,000/- as being supported by cogent material. It further recognised that she is young, well educated and possesses the capacity to obtain employment in future. Thus, the Court did not proceed on the basis that the Petitioner would remain permanently incapable of earning. These circumstances were weighed against the Respondent's financial position before arriving at the figure of Rs.50,00,000/-.

58. Having considered the rival contentions urged in M.F.A. No.3547/2026 filed by the Respondent-husband seeking reduction of the permanent alimony and M.F.A. No.5574/2026 filed by the Petitioner-wife seeking enhancement, the question that arises for our consideration is whether the amount of Rs.50,00,000/- awarded by the Family Court calls for interference in either direction.

59. The Respondent contends that the award is excessive having regard to the short duration of the marriage, the limited period of actual cohabitation, his alleged subsequent unemployment, liabilities and the Petitioner's educational qualifications and earning capacity. The Petitioner, on the other hand, contends that the amount is inadequate having regard to the Respondent's income, bank transactions, assets and incomplete disclosure of his financial position.

60. The Family Court, while considering these rival submissions, noticed that the Respondent had not fully disclosed his financial position and had not produced supporting documents in respect of several liabilities claimed by him. It also noticed the income reflected in Ex.R.4, the deposits in Ex.R.3 and the assets which had not been disclosed in the affidavit of assets and liabilities. At the same time, the Court took into consideration that the Petitioner is young, well educated and has future earning prospects.

61. The contention of the Respondent that the amount should be reduced merely because the marriage was of short duration or because he claims to be presently unemployed cannot be accepted. Permanent alimony cannot be determined on the basis of the duration of the marriage alone or by applying a mathematical formula.

62. The Family Court had considered the termination letter relied upon by the Respondent as well as his contention regarding his liabilities and earning capacity. Nevertheless, it found that the financial disclosure was incomplete and that the material available on record disclosed substantial income during the relevant period. The Court also found that the Petitioner had remained without employment after leaving her earlier job and that she had been asked to leave the job before marriage.

63. Thus, the circumstances relied upon by the Respondent were not overlooked, but were expressly considered while fixing the quantum. Equally, the Petitioner's contention that the amount should be

enhanced to Rs.3,00,00,000/- cannot be accepted merely on the basis of the Respondent's income. The Family Court found that the claim of Rs.3,00,00,000/- was exorbitant and unsupported by cogent evidence, while simultaneously recognising the Petitioner's present financial circumstances and the need to secure her future.

64. On an overall consideration of the material, we find that the Family Court has struck a reasonable balance between the competing circumstances of the parties. It neither accepted the Respondent's plea that the Petitioner was disentitled to a substantial amount merely because of the short duration of the marriage, nor accepted the Petitioner's claim for Rs.3,00,00,000/- without supporting evidence.

65. At this juncture, it would be pertinent to refer to the judgment of the Hon'ble Supreme Court in the case of ***Rajnesh (supra)***, wherein the Supreme Court has extensively considered several factors to be taken into account before awarding for permanent alimony, including

the earning prospects and educational qualifications of the wife. The Supreme Court has further laid down certain guiding principles as follows:

"81. A careful and just balance must be drawn between all relevant factors. The test for determination of maintenance in matrimonial disputes depends on the financial status of the respondent, and the standard of living that the applicant was accustomed to in her matrimonial home. [Chaturbhuj v. Sita Bai, (2008) 2 SCC 316 : (2008) 1 SCC (Civ) 547 : (2008) 1 SCC (Cri) 356] The maintenance amount awarded must be reasonable and realistic, and avoid either of the two extremes i.e. maintenance awarded to the wife should neither be so extravagant which becomes oppressive and unbearable for the respondent, nor should it be so meagre that it drives the wife to penury. The sufficiency of the quantum has to be adjudged so that the wife is able to maintain herself with reasonable comfort.

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90.4. An able-bodied husband must be presumed to be capable of earning sufficient money to maintain his wife and children, and cannot contend that he is not in a position to earn sufficiently to maintain his family, as held by the Delhi High Court in Chander Parkash v. Shila Rani [Chander Parkash v. Shila Rani, 1968 SCC OnLine Del 52 : AIR 1968 Del 174] . The onus is on the husband to establish with necessary material that there are sufficient grounds to show that he is unable to maintain the family, and discharge his legal obligations for reasons beyond his control. If the husband does not disclose the exact amount of his income, an adverse inference may be drawn by the court."

66. The duty of an able-bodied husband to maintain his wife was also elucidated by the Hon'ble Supreme Court

in **Reema Salkan v. Sumer Singh Salkan**.⁶ This duty was also echoed through another decision of the Hon'ble Supreme Court in **Anju Garg v. Deepak Kumar Garg**,⁷ wherein it was observed:

"13. Though it was sought to be submitted by the learned counsel for the respondent, and by the respondent himself that he has no source of income as his party business has now been closed, the Court is neither impressed by nor is ready to accept such submissions. The respondent being an able-bodied, he is obliged to earn by legitimate means and maintain his wife and the minor child. Having regard to the evidence of the appellant-wife before the Family Court, and having regard to the other evidence on record, the Court has no hesitation in holding that though the respondent had sufficient source of income and was able-bodied, had failed and neglected to maintain the appellants. Considering the totality of facts and circumstances, we deem it proper to grant maintenance allowance of Rs. 10,000/- per month to the appellant-wife, over and above the maintenance allowance of Rs.6,000/- granted by the Family Court to the appellant No 2-son."

67. It would be relevant for us to note another judgment of the Hon'ble Supreme Court in **Amutha v. A.R.Subramanian**,⁸ wherein the duration of marriage, educational qualification and earning capacity of the wife

⁶ (2019) 12 SCC 303.

⁷ 2022 SCC OnLine SC 1314.

⁸ 2024 SCC OnLine SC 3822.

was also taken into consideration before fixing the quantum of alimony to be paid:

"39. In granting permanent alimony and financial support, this Court is mindful of the principles laid down in Rajnesh v. Neha¹². The factors to be considered while awarding maintenance or alimony include the duration of the marriage, the earning capacities of the parties, their age and health, their standard of living, and their financial and non-financial contributions to the marriage. Here, the appellant has spent substantial time during the pendency of the litigation without the emotional or financial support of the respondent. Moreover, granting a lumpsum as permanent alimony ensures finality and reduces the scope for future litigation between the parties. While the appellant is presumably capable of earning, she has undoubtedly faced financial and emotional setbacks due to the prolonged litigation and separation. Similarly, the financial provision for the daughter ensures her welfare is not compromised due to the breakdown of the marital relationship between her parents."

68. Considering the facts of the case in light of the above law, the amount of Rs.50,00,000/- was fixed after taking into account the Respondent's financial position, the deficiencies in his disclosure, the Petitioner's lack of independent employment and her future earning prospects. The Respondent has not demonstrated that the award is so excessive as to warrant reduction to Rs.10,00,000/-, while the Petitioner has also not placed

any material to show that the award is so inadequate, arbitrary or disproportionate as to require enhancement. What is essentially sought by both sides is a re-appreciation and re-weighing of the same material on the quantum of permanent alimony. In the absence of any perversity, material omission or an unreasonable approach on the part of the Family Court, we find no justification to interfere with the considered award of Rs.50,00,000/-.

69. On a careful consideration of the evidence of P.W.1, P.W.2 and R.W.1, it is clear that the matrimonial relationship had deteriorated beyond repair. The Petitioner's allegations against the Respondent and his family, the Respondent's allegations against the Petitioner, the repeated differences between them, the circumstances surrounding the stay at Mumbai and Qatar, the return of the Petitioner to India, the subsequent failure of the parties to resume cohabitation and the Respondent's categorical refusal to take the Petitioner back were all matters considered by the Family Court. The Family Court thereafter recorded a finding that there was no scope for

restitution and that the Respondent had established cruelty warranting dissolution of the marriage.

70. The conclusion of the Family Court is supported by evidence and does not suffer from any perversity. The mere fact that another view may be possible on some of the individual incidents is not sufficient to displace the conclusion reached after appreciation of the entire matrimonial history. The Family Court has considered the evidence in its entirety and has given reasons for dismissing the petition under Section 9 and allowing the counter-claim under Section 13(1)(i-a) of the HM Act. The decree of divorce and the rejection of restitution, therefore, call for no interference.

71. Likewise, insofar as permanent alimony is concerned, the Family Court has adopted a balanced approach. It has neither accepted the Petitioner's claim of Rs.3,00,00,000/- nor accepted the Respondent's plea that the Petitioner should be left without substantial financial security. It has considered the Petitioner's lack of present

employment, her educational qualification and future earning prospects, the Respondent's income, his assets and the deficiencies in his financial disclosure and thereafter fixed the amount at Rs.50,00,000/-.

72. It would also be pertinent to note that at the time of the Petitioner taking the step to institute the petition under Section 9 of the HM Act, it had hardly been two years. The Petitioner and the Respondent have hardly cohabited together in the entire duration of the marriage. Despite the short length of the marriage, substantial allegations have been made by both the parties against the other. The allegations and counter allegations considered cumulatively shows that the couple were incompatible from the beginning and that each party has suffered by the cruel conduct of the other.

73. Apart from the short duration of marriage and nature of the relationship, we have also considered that both the husband and wife are well-educated. The Petitioner was an Assistant Professor in a reputed

university and the Respondent has income from several sources. There is no child born out of the present marriage. The husband and wife are still young, with ample earning prospects in their future.

74. In these circumstances, neither the Petitioner nor the Respondent has made out a case for interference with the judgment and decree of the Family Court. The Petitioner has failed to establish that the amount of Rs.50,00,000/- awarded to her is inadequate so as to warrant enhancement, while the Respondent has failed to establish that the said amount is excessive or beyond his means so as to warrant reduction to Rs.10,00,000/- or any lesser amount. The amount fixed by the Family Court, in the facts and circumstances of the case, is a just and reasonable balance between the competing claims of the parties.

75. The judgment and decree dated 27.02.2026 passed by the I Additional Principal Judge, Family Court, Dakshina Kannada, Mangaluru, in M.C.No.168/2023,

including dismissal of the petition under Section 9 of the Hindu Marriage Act, the decree of divorce under Section 13(1)(i-a) of the Act and the award of permanent alimony of Rs.50,00,000/- in favour of the Petitioner, deserve to be confirmed.

Accordingly, M.F.A. No.5574 of 2026 filed by the Petitioner-wife as well as M.F.A. No.3547 of 2026 filed by the Respondent-husband are ***dismissed.***

Sd/-
(D K SINGH)
JUDGE

Sd/-
(H.SHANTHI BHUSHAN)
JUDGE

KNM