IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF MARCH, 2025

PRESENT

THE HON'BLE MRS JUSTICE K.S.MUDAGAL

AND

THE HON'BLE MR JUSTICE K. V. ARAVIND

MISCELLANEOUS FIRST APPEAL NO.5389/2023 (FC)

BETWEEN:

MS.MRIDULA SUBBARAMAN
W/O ANAND NARAYAN
D/O K.V.SUBBARAMAN
AGED ABOUT 36 YEARS
NO.302, 3RD FLOOR, VIJETHA ELYSIUM
G BLOCK, OPP.PRESTIGE OZONE
HADGUR ROAD, WHITEFIELD
BENGALURU – 560 066

NOW AT
NO.H 703, ROHAN UPAVAN APARTMENTS
BILESHIVALE MAIN ROAD
NEAR BYRATHI CROSS
BENGALURU – 560 077

ALSO AT:
NO.19, OLD NO.439, 5TH STREET
W-BLOCK, C SECTOR, ANNANAGAR
WESTERN EXTENSION
CHENNAI – 600 101 …APPELLANT

(BY SRI. KESHAV M DATAR, ADVOCATE)

AND:

MR.ANAND NARAYANAN
S/O S NARAYANAN
AGED ABOUT 41 YEARS
E-401, ROHAN VASANTHA
VARTHUR MAIN ROAD
MARATHAHALLI
BENGALURU – 560 037 …RESPONDENT

(BY SRI. AMIT A MANDGI, ADVOCATE)

Digitally signed by
LAKSHMINARAYANA
MURTHY RAJASHRI
Location: High Court
of Karnataka

THIS MISCELLANEOUS FIRST APPEAL IS FILED UNDER SECTION 19(1) FAMILY COURT ACT, 1984 PRAYING TO SET ASIDE THE JUDGMENT AND DECREE DATED 09.08.2021 PASSED IN M.C.NO.745/2015 ON THE FILE OF THE VI ADDITIONAL PRINCIPAL JUDGE, FAMILY COURT, BENGALURU, ALLOWING THE PETITION FILED UNDER SECTION 13(1) (i-a) OF THE HINDU MARRIAGE ACT,1955.

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

CORAM: HON'BLE MRS JUSTICE K.S.MUDAGAL
and
HON'BLE MR JUSTICE K. V. ARAVIND

ORAL JUDGMENT AND ORDER ON I.A.NO. 5/2024

(PER: HON'BLE MRS JUSTICE K.S.MUDAGAL)

This appeal is preferred by the respondent-wife in M.C.No.745/2015 on the file of VI Additional Principal Judge, Family Court, Bengaluru challenging decree of divorce passed against her.

2. There is delay of 430 days in filing appeal. Above application is filed seeking condonation of the said delay. In the affidavit dated 02.08.2023 filed along with I.A.No.1/2023, the appellant alleged that, her advocate had not informed her about judgment and decree, therefore there was such delay. The said application was opposed by the respondent’s Counsel.

3. This Court noticing that the allegation are made behind the back of her advocate and there was nothing to substantiate such allegations like appellant taking any action against her Counsel for professional misconduct had directed her to file her better affidavit. Instead of filing better affidavit, appellant filed I.A.No.5/2024 again for condonation of delay only. Even in the affidavit filed along with the said application, she made allegations against her Counsel saying that her Counsel did not secure a witness as per her instruction. Again para 5 of the affidavit filed in support of said application, she says that as she had to travel several places, she could not meet her previous advocate and close the issue to a logical end. Therefore another opportunity was given to the appellant to file better affidavit. Even affidavit filed on 20.02.2025, appellant has made same allegations. It is also to be noted that instead of filing better affidavit on 02.08.2023, she withdrew I.A.No.2/2023.

4. This appeal is pending since 2023. If really there was any professional negligence or misconduct on the part of her Trial Court's Counsel, appellant would have taken required legal action, but nothing is placed in that regard. The above

facts and circumstances show that appellant herself is obstinate and prolonging the matter, she does not deserve indulgence of this Court. Though some medical records are produced, they did not cover entire period of limitation. No grounds are made out for condonation of delay. The above applications and consequently appeal are dismissed.

Pending IAs stood dismissed.

Sd/-
(K.S.MUDAGAL)
JUDGE

Sd/-
(K. V. ARAVIND)
JUDGE

PKN
List No.: 1 Sl No.: 12