



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

WRIT PETITION NO.1154 OF 2026 (GM-FC)

BETWEEN:

SMT. SHRUTHI V.,
W/O. PRAVEEN B. N
D/O. VENKATESH,
AGED ABOUT 35 YEARS,
RESIDENT OF NO.305,
NEAR SRINIVASA MEDICAL STORES,
M.H.S ROAD KANAKAPURA TOWN,
RAMANAGARA - 562117

...PETITIONER

(BY SRI. MALLIKARJUNA R.MADAWAL, ADVOCATE)

AND:

1. SRI B N PRAVEEN
S/O NANJEGOWDA
AGED ABOUT 42 YEARS,
R/AT NO.42/3, 2ND CROSS,
NEXT TO MUNESHWARA TEMPLE,
MUNESHWARANAGAR,
B'LORE- 560 061.
2. SRI. BASAVARAJ M.,
S/O MAHADEV,
AGED ABOUT 36 YEARS,
C/O. SMT. LINGAMMA,





NO.38, 1ST FLOOR,
1ST MAIN ROAD,
MUNESHWARANAGAR,
BANGALORE-560061.

3. SRI. SHARATH KUMAR
S/O NOT KNOWN,
AGED ABOUT 38 YEARS,
NO.30, 2ND CROSS,
MUNESHWARANAGAR,
BANGALORE- 560061

...RESPONDENTS

(BY SRI. N. VAGEESH, ADVOCATE FOR C/R1
IN CP NO. 26237/2025)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH AND THEREBY BY SET ASIDE THE ORDER DATED 28.11.2025 PASSED ON THE INTERIM APPLICATION NO.30, DATED 25.11.2025 FILED UNDER ORDER XVIII RULE 17 READ WITH SECTION 151 OF CPC IN MC NO.2270/2019 BY THE HON BLE III ADDITIONAL PRINCIPAL JUDGE, FAMILY COURT, BANGALORE VIDE ANNEXURE 'A' , AND ALLOW THE IA NO.30 DIRECTING THE TRIAL COURT TO PERMIT THE PETITIONER HEREIN TO CROSS EXAMINE PW-1 IN FURTHER AND ALSO TO LEAD HER EVIDENCE IN ACCORDANCE WITH LAW AND TO AWARD THE COST OF THIS PETITION.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA



ORAL ORDER

Heard Sri.Mallikarjuna R Madawal learned counsel for the petitioner as well as Sri.N.Vageesh learned counsel for respondent No.1.

2. Seeking the Court to issue a writ of certiorari and to quash the order that is passed by the Court of III Additional Principal Judge, Family Court, Bengaluru on I.A.No.XXX in M.C.No.2270/2019 dated 28.11.2025, this writ petition is filed.

3. Respondent No.1 filed a petition which came to be numbered as M.C.No.2270/2019 seeking the relief of dissolution of marriage by decree of divorce. In the said case petitioner/wife filed several interlocutory applications of which I.A.No.XXX is to recall PW1 for further cross-examination. The said petition was dismissed by the Family Court, Bengaluru and aggrieved by the same, this writ petition is filed.



4. For just disposal of writ petition, this Court feels narration of the flow of proceedings before the Family Court are essential. Therefore, this narration:

- (i) Respondent No.1 herein (hereinafter be referred to as the husband) filed a petition against the petitioner herein (hereinafter be referred to as the wife) seeking dissolution of marriage by decree of divorce and the said petition came to be registered on 22.04.2019.
- (ii) Wife entered into appearance through her counsel on 19.10.2019.
- (iii) Wife failed to file her counter within time or within reasonable time and therefore, cross-examination of PW1 by her was treated as nil through order dated 22.06.2022.
- (iv) Wife filed I.A.No.VII seeking permission to file counter/statement of objection and the said application came to be allowed on 30.06.2022.
- (v) Wife filed I.A.Nos.VIII and IX seeking the Court to reopen the case and to recall PW1 for cross-examination. Both the applications came to be allowed by order dated 16.09.2022.



- (vi) When wife was supposed to cross-examine PW1, she filed an application under Order XVII read with Section 151 CPC seeking adjournment.
- (vii) Wife cross-examined PW1 in part on 19.10.2022. The matter was adjourned to 24.11.2022.
- (viii) Case was called twice on 24.11.2022 but wife did not turn up. Hence, further cross-examination of PW1 was taken as nil.
- (ix) Wife files two interlocutory applications vide I.A.No.XII and XIII seeking the Court to reopen the case and to recall PW1 for further cross-examination. Both the applications were allowed and the case was reopened for cross-examination PW1, which is evident through order dated 08.02.2023.
- (x) PW1 was further cross-examined in part on 08.11.2023. Matter was adjourned to 07.12.2023.
- (xi) On 07.12.2023, learned counsel who appears for the wife sought time to cross-examine PW1. Narrating all the earlier incidents and the time



taken, the prayer of wife was rejected and cross-examination was taken as nil.

- (xii) On 13.12.2023, wife again files two applications i.e., I.A.Nos.XVIII and XIX seeking the Court to reopen the case and to recall PW1 for further cross-examination. Those two applications were allowed through order dated 14.02.2024 on costs and with a direction to take necessary steps for appointment of Court Commissioner to record cross-examination of PW1 at a stretch without further delay.
- (xiii) Wife files I.A.No.XXI seeking the Court to review the order dated 14.02.2024. The said interlocutory application was dismissed on 04.03.2024.
- (xiv) Aggrieved by the order passed on I.A.No.XVIII and XIX, wife files a writ petition before this Court vide W.P.No.9760/2024.
- (xv) This Court disposed of the writ petition setting aside the order of the Family Court, so far as appointment of advocate commissioner for recording cross-examination of PW1 is concerned and gave a clear direction that cross-



examination of PW1 shall be carried out at a stretch without any delay or adjournments by wife.

(xvi) On 07.12.2024, learned counsel for the husband placed before Family Court, the order passed by this Court regarding the direction given to go on with the cross-examination of PW1 at a stretch without seeking adjournment. Learned counsel for the wife submitted that she will file an adjournment application and failed to cross-examine PW1. But the matter was kept by. The case was again called at 03.05 p.m. Wife and her counsel were absent. The case was again called at 03.27 p.m., learned counsel for the wife commenced cross-examination at 04.00 p.m. and cross-examined at part till the completion of Court hours.

(xvii) The matter was again taken up on 20.01.2025 and on that day learned counsel for the wife filed a petition seeking adjournment. The case was adjourned and was posted to 29.01.2025.

(xviii) On that day wife and her counsel did not turn up initially i.e., at 12.02 p.m. The case was called again at 01.58 p.m. and at that time both



the learned counsel submitted that they will try to get the matter settled. The matter was adjourned.

(xix) On 01.02.2025, date and time were fixed at the convenience of learned counsel who appears for the wife and the matter was posted to 04.02.2025. However, wife did not choose to cross-examine PW1 and therefore, the matter was adjourned to 17.02.2025.

(xx) On 17.02.2025, PW1 was cross-examined in part. The matter was again taken up on 07.03.2025. The matter was called at 12.52 p.m., again at 01.45 p.m. and again at 03.32 p.m. But cross-examination could not be proceeded with. On 02.06.2025, wife cross-examined PW1 in part and sought time for continuation.

(xxi) Again on 03.06.2025, wife cross-examined PW1 in part. The matter was adjourned to 05.06.2025. On 05.06.2025, PW1 was again cross-examined in part and learned counsel for the wife prayed time for further cross-examination.



- (xxii) On 05.06.2025, PW1 was further cross-examined in part and learned counsel for the wife prayed time.
- (xxiii) On 09.06.2025, PW1 was cross-examined in part in the forenoon. The matter was called in the afternoon. But learned counsel for the wife sought time. Hence, the Court finally closed the cross-examination of PW1.
- (xxiv) The matter was posted for arguments and the matter was adjourned several times thereafter.
- (xxv) On 08.09.2025, wife files I.A.No.XXIV under Order VI Rule 17 read with 161 CPC seeking the Court to permit her to amend her statement of objections and the same was allowed on costs of Rs.2,000/-.
- (xxvi) Wife files I.A.No.XXVII under Section 114 CPC seeking the Court to review its order regarding payment of costs. The said review petition was allowed and the wife was permitted to amend the objections without payment of costs. The same is evident through order dated 14.10.2025.



(xxvii) Wife failed to represent the matter thereafter on several dates of hearing.

(xxviii) On 31.10.2025 wife files I.A.No.XXVIII under Section 151 CPC seeking the Court to receive the statement of amended objections. Thereafter arguments on the side of husband were heard on 24.11.2025 and the matter was posted to 25.11.2025 to hear arguments on the side of wife.

(xxix) On 25.11.2025 wife files I.A.No.XXX under Order XVIII Rule 17 CPC seeking the Court to recall PW1 for further cross-examination and the same was dismissed, basing on which the present writ petition is filed.

5. Learned counsel who appears for the wife submits that the Court allowed the application for restitution of conjugal rights and therefore, wife has to cross-examine her husband in respect of her plea taken for restitution of conjugal rights but the Court denied opportunity and hence, this writ petition is filed.



6. Vehemently opposing the submission thus made, learned counsel who represents the husband states that petitioner seeking dissolution of marriage was filed in the year 2019 and till 2025, wife did not choose to file any application seeking restitution of conjugal rights and when all her efforts in taking time on one ground or the other were exhausted, by then husband has paid more than Rs.27,00,000/- towards interim maintenance, wife files an application seeking for restitution of conjugal rights. Learned counsel states that to avoid the proceedings being protracted, husband reported no objection to allow the said petition and the said petition was allowed on costs. However, wife again files a review petition seeking to recall the order of payment of costs and costs were also waived. Even then, wife did not choose to file the amended statement of objections for considerable period. Learned counsel thereby submits that there are no grounds whatsoever to interfere with the impugned order. Learned counsel during the course of his submission



brought to the notice of this Court the observation made by this Court in the order in W.P.No.9760/2024 dated 29.07.2024 wherein this Court perceived the manner in which wife was protracting the proceedings.

7. The flow of proceedings as narrated above clearly depicts gross negligence on the part of wife. Wife never choose to co-operate with the Court in conducting the proceedings. Though this Court through order in W.P.No.9760/2024 dated 29.07.2024 clearly directed wife to cross-examine PW1 at a stretch without any delay, wife did not do so as could be seen through the proceeding sheet of the Family Court.

8. This case reveals very sorry state of affairs. In case the litigation in Indian Courts is carried out in the manner in which the proceedings in this case went on till now, no case will be disposed within a decade. Breach of mandate of law is clearly found. Only because the interlocutory applications are filed by a woman, Family



Court or High Court cannot adopt a liberal approach opening the flood gates of taking adjournments and protracting the litigation. Proceedings before the Courts cannot be proceeded with at the whims and fancies of the parties. Neither the Family Courts Act nor the Code of Civil Procedure can be taken aid to frustrate the proceedings or to cause inconvenience either to the other party or to the Courts as such.

9. The manner in which the Family Court has conducted the proceedings is highly appreciable. The impugned order reveals that the Family Court having vexed with the attitude of wife in conducting the proceedings has chosen to dismiss the interlocutory application filed by her. Even on merits, this Court does not find any grounds whatsoever to interfere with the impugned order. Having perceived the fact that the wife has intentionally dragged on the matter and has not only wasted the time of the Family Court but also this Court, considers to dispose of this writ petition imposing heavy



costs upon the petitioner. Therefore, writ petition is disposed of with the following:

ORDER

- (i) The writ petition is dismissed.
- (ii) Petitioner is directed to pay costs of Rs.10,000/- to the Sainik Welfare Fund.
- (iii) Costs to be paid within three weeks.
- (iv) Family Court to take up the matter, continue the proceedings and dispose of the same. However, wife be permitted to participate in the proceedings only on producing sufficient proof regarding payment of costs.

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE

DS
CT:TSM
List No.: 1 Sl No.: 17