**BEFORE THE PRINCIPAL FAMILY COURT JUDGE, AT BANGALORE**

MC.No: /2019

**BETWEEN**

Mr.Madhava.K.S,

Aged about 35 years,

S/o.Late.Sri.Srinivas.K,

R/at.No.2492/1, 21st Main,

25th Cross, 2nd Stage,

Near BDA, Banashankari,

Bengaluru-560 070, -- Petitioner

**AND**

Mrs.N.Shruthi,

Aged about 34 years,

W/o.Mr.Madhava.K.S,

No.S2, Gurupriya Vinyasa Apartments,

1st Main, 5th A Cross,

Hanumagiri,

Chikkalasandra,

Bengaluru-560 061, -- Respondent

**MEMORANDUM OF PETITION UNDER SECTION 13 (1) (ia) OF THE HINDU MARRIAGE ACT 1955.**

The petitioner named above submits as follows:-

1. The address of the parties for the purpose of services of notice, summons etc., from this Hon’ble Court is as per the above cause title. The petitioner may also be served through his Counsels **M.R.C.Manohar, Mohankumar.H, M.T.NANAIAH ASSOCIATES** Advocates No.14, Mamatha ‘A’ Apartment, Flat.No.201, II Floor, 4th Main, Gandhinagar, Bangalore - 560 009.

2. It is submitted that, the petitioner and the respondent are Hindus by birth and their marriage was solemnized on 22-11-2015, at SriDharmagiri Manjunathaswamy Devalaya, at Banashnkari 2nd Stage, Bengaluru, as per Hindu Rites and Customs. Subsequently the marriage has been registered on 01-06-2016, Vide Document No.BSK-HM186/2016-17, stored in CD Number.BSKM39, before the Registrar of Marriage, Banashankari, Bangalore. The marriage of the petitioner with the respondent is an arranged marriage. The original marriage invitation card, the marriage photo and the original Marriage Registration Certificate are produced herewith as **ANNEXURE-A, B & C** respectively for the kind perusal of this Hon’ble court.

3. It is submitted that, immediately after the marriage the respondent started living with the petitioner at matrimonial house, at No.186, 6th Main, 7th Block, Banashankari 3rd Stage, Bangalore, in a rented premises. The petitioner extended full support and co-operation to the respondent for managing the affairs of the family as a Hindu dutiful husband.

4. It is submitted that, the marriage is not consummated between the petitioner and the respondent and there are no children born from the wedlock.

5. It is submitted that, the marriage of the petitioner and the respondent is an arranged marriage, infact the respondent’s family friend Dr.Narayana and Dr.Shivaswamy were introduced to the petitioner’s maternal aunt Dr.Chitra Srinivas and Dr.Srinivas.

6. It is submitted that, thereafter as per the instructions of both the families the petitioner and the respondent met at Coffee Day near Ashoka Pillar, Jayangar, Bengaluru. In the said meeting the petitioner and the respondent exchanged about their qualifications, regarding their job and about their future and subsequently expressed their interest in the marriage with their families.

7. It is submitted that, thereafter both families met each other and agreed for the marriage proposal by both sides and engagement was done on 9-9-2015 and thereafter the marriage date was fixed on 22-11-2015. After the engagement both the petitioner and the respondent met each other multiple times and they understood about each other. They used to talk over phone, WhatsApp also. Just couple of weeks before marriage with the consent of the respondent and her family, the petitioner has taken rented premises as stated above.

8. It is submitted that, the first night of marriage of the petitioner and the respondent was arranged at Hotel Ashoka, Kumara Park West, Bengaluru. But the respondent postponed consummating the marriage on that day the reason best known to her. Then the petitioner did not force her by thinking that it is natural process and it will happen some other day. The marriage reception was held on 23-011-2015 at Sri Rajhans Convention Hall, West of Chord Road, Bengaluru.

9. It is submitted that, in the first week of the marriage, the petitioner and the respondent went to Windflower Resort, near Mysore and they stayed there for couple of days. During this time also the marriage is not consummated, since the respondent did not shown much interest to consummate the marriage, but both the petitioner and the respondent used to go an extent of consummating level at that time the respondent used to stop the situation. In this regard the petitioner suggested the respondent to consult the Gynecologist, but the respondent did not shown any interest to meet the Gynecologist or discuss about this with the petitioner.

10. It is submitted that, after one month of the marriage the respondent’s mother expressed her displeasure that the petitioner didn’t take her daughter outside the country for honeymoon and used to say that her daughter has lot of dreams about her marriage and future, which has to be fulfilled by the petitioner. During tenure of marriage the petitioner has taken the respondent to Udaipur, Kabini, Galibore, Mysore and Goa, even then the respondent used to express her displeasure towards him. Thereafter the petitioner asked the respondent to plan for honeymoon trip outside the country, but the respondent did not show much interest stating that, the petitioner has to build his physique and has to get his face cleared of his scars and pimples. Further, the respondent constantly compared the petitioner with her second sister’s husband and her parents used to say the same with the petitioner and his relatives. This act of the respondent and her parents made the petitioner to put him in embarrassing situation and it caused severe mental trauma and it affected his self-confidence, he could not tolerate the act of the respondent and her parents.

11. It is submitted that, after couple of months of marriage, respondent never used to respond properly with the petitioner and she was very moody, volatile and she never bothered about the petitioner. The petitioner’s aged mother is staying alone in Mysore and the petitioner used to visit his mother once in a month, for this the respondent seriously objected the petitioner to see his mother, if whenever the respondent used to accompany the petitioner while going to Mysore, she used go and stay in her aunt’s place, but she never stayed in the petitioner’s house in Mysore except once after the marriage. Even the respondent was not talking with the petitioner’s mother cordially in her short visit to Mysore and she hardly used stay one or two hours in the petitioner’s house. The petitioner used to request the respondent to stay one or two days along with his mother to keep his mother happy and to spend some quality time with his mother and his relatives. For this the respondent used to say she wants stay with her cousins and never allowed the petitioner to stay with his mother, if the petitioner say that, he will stay with his mother and asked her go to her cousins place, she used emotionally blackmail the petitioner by not talking with him.

12. It is submitted that, the petitioner’s is basically from Thirthahalli, Shimoga and the petitioner born and brought up there and he has relatives there. For which the petitioner asked the respondent to visit the place where he has born and brought up so that, they can meet his relatives and visit the tourist places in and around Thirthahalli. But the respondent refused to visit that place and said she is not comfortable travelling with the petitioner and to meet his relatives. This attitude of the respondent is hurt the petitioner emotionally and its create distance between the petitioner and his relatives and the respondent used to object the petitioner to go alone to meet them. The respondent and their family wanted the petitioner to dance to her tunes and there is no love and affection towards him.

13. It is submitted that, whenever the respondent gets an opportunity she used to taunt and quarrel with the petitioner that, “you didn’t take her to international trip for honeymoon”, even after the petitioner insisted the respondent to plan for international trip, the respondent used to brush it off saying “now I am not interested”. In other hand the respondent used to blame the petitioner unnecessarily without fault of the petitioner.

14. It is submitted that, the respondent constantly expressed her dislike by not talking for weeks with no reason, even if the petitioner persuade her to talk, she will reply either yes or no, she would continue behaving like as she expected her husband to be outgoing, social and lively person. Further the respondent used to compare the petitioner with her friends how they ride bike (high speed, which places they visited, international destinations and etc., The respondent insulted the petitioner to take few of his belongings out of the house like center table, single bed cot, even though her elder brother in-law have given her used dining table and shoe rack. Constantly showed her displeasure that house was not completely set or arranged. In fact the respondent never used to do the house hold activities at any point of time, whenever she gets time she used to go to her mother’s place and she never had any interest to keep the house clean and neat, in other she used to blame the petitioner to do all the house hold chores. In one of the occasion, the respondent had insulted the petitioner in front of her American return cousin.

15. It is submitted that, the respondent was never interested in meeting any relatives of the petitioner but she always expected the petitioner to meet her relatives and after the visit she used to compare the petitioner with them. Most of the weekend the respondent will go to her mother’s place in Padmanabhanagar or second sister place at Bannerghatta and will spend time but if the petitioner has to meet his mother she used to refuse it. In all the festival the respondent wanted to celebrate in her mother’s place, she was not willing to come to the petitioner’s house in Mysore for festivities to celebrate with his mother.

16. It is submitted that, the respondent was not preparing food like breakfast, lunch or dinner in the house, even she was not preparing for herself as her father used bring the food from his house, but she never bothered to prepare the food in her house , petitioner was not interested in getting food from her mother’s house.

17. It is submitted that, most of the vegetables or fruits and milk whatever the petitioner used to bring to home ended up in dustbin, because of the respondent’s lazy attitude, if the petitioner questioned this it would lead to quarrel. As such the petitioner stop questioning this attitude of the respondent. At once the petitioner cooked and served the respondent’s cousin Mr.Karthick and his family non-veg, but the respondent did not support to prepare and serve them also. The respondent wanted or expects everything to be readily available, or someone does it for her and by default husband is the one who is supposed to do that.

18. It is submitted that, the respondent, her family members and their family friends have drinks alcohol together and if the petitioner says he is not interested in having alcohol, for which they labeled him as he is not fast, not social and not up to their standard.

19. It is submitted that, the respondent for each and every decisions she wanted to consult her brother in-law, her parents and her second sister. Never could make any decision individually or consult the petitioner. The respondent only world is her parents, her brother-in-law and not anyone else, the petitioner was nothing for her and she is heavily influenced by them. She believed her second brother in-law words and decisions more than the petitioner.

21. It is submitted that the petitioner has changed Job from ANZ TO JP Morgan during September 2016. One of the reasons he could not continue further with new job for more than two months is because of constant mental harassment and pressure was created by the respondent at home. The first thing the respondent told the petitioner when he got job at JP Morgan is, he should get up early and help the respondent to prepare breakfast. But the respondent not at all cooking food in the house and she totally dependent on her parents house for her breakfast, lunch and dinner and she was least bothered about the petitioner.

22. It is submitted that, when the petitioner’s mother visited his house for first time after marriage at Bengaluru, the respondent had an big issue with that, the petitioner should have asked her consent before he got his mother to their house and the petitioner and his mother felt very bad. During this time the respondent parents had visited petitioner’s house around 9.30 pm, the petitioner raised the concerns about their daughter’s attitude and the respondent is not having any interest to start family, the respondent’s mother mentioned you are not like us, you both are not compatible, later at the end of the discussion or argument her mother mentioned that “we will take back our daughter home, or better give divorce”. After hearing these words from the respondent’s mother, the petitioner got shock and surprise, as the respondent’s family not at all interested to sort out the problem and they always support the respondent whatever her decision either it is right or wrong.

23. It is submitted that, once the Petitioner had asked respondent what she need for her birthday, for which her reply was “at present you go to dermatologist get your face corrected”. This words of the respondent towards the petitioner is very bad and insulted in every walk of life and he could not tolerate the attitude of the respondent. Further the respondent used to comment that, the petitioner cannot dance, he cannot ride gear bike etc.,

24. It is submitted that, in 2016 once the petitioner rejoined ANZ in November he got an opportunity to go to Melbourne for 58 days in February-2017, when the petitioner asked the respondent to accompany him to Melbourne, but she said she wants go to Hyderabad, as her friend Mr.Srinivas engagement/Marriage function and she cannot come. Once the petitioner reached Melbourne she stopped messaging or talking with the petitioner, if whenever the petitioner called the respondent over the phone, she used have arguments with him, then she wanted to come to Melbourne, then the petitioner told her to arrange for visa via Thomas cook and shared the details and will help you with other things like supporting documents and flight tickets etc., the petitioner will take care, for that too she was blaming the petitioner. But the respondent was very interested to go to trip with her parents and cousin and she went to Sikkim trip with her parents. Later the respondent joined WIPRO company as senior software Engineer and still working there itself.

25. It is submitted that, in 4th June 2017 suddenly the respondent told the petitioner that, she will not be coming back to the petitioner’s house and she is going to her parent’s house. On the same night the respondent’s mother came to the petitioner’s house and took few of respondent’s clothes in between the respondent used to visit petitioner’s house to take clothes. When the petitioner tried to talk to the respondent and their family, there was no proper response from her and she totally neglected the petitioner without talking terms. During this time the respondent’s mother called at night and shouted at the petitioner saying “why don’t you give divorce, you are a loser”.

26. It is submitted that, the respondent herself called and informed the petitioner and told she will be back on 7th October 2017, and the petitioner went and picked her up from respondent’s mother place.

25. It is submitted that, the petitioner asked the respondent to move to a new rented house which is near to office for both of them, but the respondent was not willing to do so rather she wanted to shift near her sisters place in Bannerghatta. Even after her return back to the petitioner’s house, she started behaving the same way like not talking, giving very vague answers, showing disinterest towards the petitioner.

27. It is submitted that, on 1st of April 2018 the respondent vacated the house with all her belongings like clothes, jewels, documents, cot, micro wave etc. till date the respondent or their family didn’t inform about respondent whereabouts either to the petitioner or his mother. The Petitioner relatives tried to convince the respondent and her parents to have a meeting to sort out the issue, but the respondent’s never responded positively.

28. It is submitted that, the petitioner waited for a year meanwhile they had met and discussed couple of times on how to take this marriage forward finally the respondent has conveyed message through her lawyer that she is ready for mutual consent divorce if the petitioner pays Rupees 25 Lakhs and the jewels that has been given by the petitioner during the engagement and at the time of marriage. This conduct of the respondent clearly shows that, the respondent is only behind the money and she was not at all interested in the marital life with the petitioner. The respondent has spoiled the petitioner’s life and her interest only to lead lavish life style and to enjoy all the time.

29. It is submitted that, the respondent was mentally and physically torturing the petitioner by showing disrespect to him, his mother and his relatives. Yet the petitioner approached and fondly waited that the respondent would change her attitude and showers him with due respect, love and affection, but his hopes were ended in vain.

30. It is submitted that, despite all this, he tried his level best to bring the respondent back but to no avail. The behavior of the respondent towards the petitioner has continued and it has become harsh.

31. It is submitted that, the petitioner has realized the complicated personality of the respondent and it is impossible for him to continue his marital life with the respondent and to live with her. The petitioner states that, all these willful apathy of the respondent caused the petitioner tremendous trauma, stress and agony. Because of these incidents the petitioner cannot live a normal life with the respondent.

32. It is submitted that, the conduct of the respondent clearly shows that it is a grave and weighty cruelty so as to make the petitioner to bend upon her terms and conditions. It is more serious and affected than the ordinary wear and tear of marriage. In spite of co-operation extended either to by the petitioner to have a smooth and peaceful way of leading life, the respondent never changed her attitude and she used to always abuse the petitioner and his mother with unparliamentarily words and never used to co-operate with the petitioner or with the family members. Hence the petitioner filed this petition for divorce from the respondent on ground of cruelty.

33. Since the petitioner and the respondent are residing in Bangalore, their marriage solemnized in Bengaluru and this court has jurisdiction to try the same.

34. The court fee is paid on the petition as per Karnataka Court Fee and Suits Valuation Act.

35. The cause of action for this petition arose on many occasions when the respondent harassed, humiliated the petitioner with cruelty and subsequently the respondent voluntarily moved out of the matrimonial home on 1st April 2018 and the cause of action is continuous one.

THEREFORE, the petitioner humbly prays that this Hon'ble Court be pleased to pass a judgment and decree by dissolving the marriage of the petitioner with the respondent solemnized on 22-11-2015, at SriDharmagiri Manjunathaswamy Devalaya, at Banashnkari 2nd Stage, Bengaluru, as per Hindu Rites and Customs and subsequently the marriage registered on 01-06-2016, Vide Document No.BSK-HM186/2016-17, stored in CD Number.BSKM39, before the Registrar of Marriage, Banashankari, Bangalore, and to grant the petitioner such other relief/s as this Hon'ble Court deems fit, including the cost, in the interest of justice and equity.

Advocate for petitioner Petitioner

## VERIFICATION

I, Madhava.K.S, the petitioner herein do hereby verify and declare that, what stated above are true and correct to the best of my knowledge, information and belief.

Bangalore

Date: Petitioner