**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 33 years,

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

No.S2, Gurupriya Vinyas Apartments,

1st Main, 3rd 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

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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, in fact, the respondent’s family friend Dr.Narayana and Dr.Shivaswamy introduced respondent’s family 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 their qualifications, 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 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.

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8. It is submitted that, after the marriage, the first night 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 to 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 first build his physique, has to get his face cleared of scars, pimples and should look good. Further the respondent constantly compared the petitioner with her 2nd sister’s husband and her parents were also used

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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 the 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 which the respondent used to say she wants to stay with her cousins and never allowed the petitioner to stay with his mother, if the petitioner says, he will stay with his mother and asked her go to her cousin’s place, she used emotionally blackmail the petitioner by not talking with him.

12. It is submitted that, in fact the petitioner is basically from Shimoga and he is born and brought up there and he has his relatives there. For which the petitioner asked the respondent to accompany him 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 Shimoga. But the respondent refused to visit that place and said she is not comfortable travelling with the petitioner to meet his relatives. This attitude of the respondent has hurt the petitioner

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Emotionally and it created distance between the petitioner and his relatives and the respondent used to object the petitioner to go alone to meet them. The respondent and her family wanted the petitioner to dance to their tunes and there is no love and affection from the respondent towards the petitioner.

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 with the petitioner for weeks together with no reason, even when 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 sister have given her used dining table and shoe rack. Constantly showed her displeasure that house was not completely set or arranged. Infact 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, on the other hand she used to blame the petitioner to do most of the house hold chores. In one of the occasion, the respondent had insulted the petitioner in front of her American return Cousin.

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15. It is submitted that, the respondent was not interested in having kids, and respondent used to mention it’s a big responsibility and she cannot give her commitment to start the family. The respondent was never interested in meeting any of 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, 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, the petitioner was not interested in getting food from her mother’s place, whenever the petitioner suggest the respondent to prepare food in their house, she never bothered for the same and used to create big issue with the petitioner.

17. It is submitted that, most of the times, 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.Karthik 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.

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18. It is submitted that, the respondent, her family members and their family friends used to drink 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 upto their standard and used to insult the petitioner.

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 nor consult the petitioner. The respondent only world is her parents, her second brother-in-law and not anyone else, the petitioner was nothing for her and she is heavily influenced by them. She believed in her second brother in-law words and decisions more than the petitioner.

20. 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 that 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. Respondent rarely cooked food in the house and she is totally dependent on her parents house for her breakfast, lunch and dinner and she was not bothered about the petitioner.

21. It is submitted that, at once the petitioner’s mother visited the house of the petitioner at Bengaluru after the marriage of the petitioner and the respondent. During that time the respondent had big issue that, the petitioner should have asked her consent before he got his mother to their house and for which the petitioner and his mother felt very bad and the said situation was very embracing to the petitioner, the respondent did not shown any interest to take care of the petitioner’s mother. During this time the respondent parents had

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visited petitioner’s house around 9.30 pm, petitioner raised the concerns about their daughter’s attitude and the respondent is not having any interest to have kids nor any plans to start a family, for which the respondent’s mother mentioned to the petitioner that, “you are not like us, you both are not compatible, later at the end of the discussion she said that “we will take back our daughter home, or better give divorce”. After hearing these words from the respondent’s mother, petitioner was shocked and surprised, as the respondent’s family is not at all interested to sort out the problem and they always support the respondent whatever her decision either it is right or wrong.

22. 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 word 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.,

23. 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 to go Hyderabad, as her friend Mr.Srinivas engagement/Marriage function and she cannot come. Then the petitioner alone went to Melbourne, once the petitioner reached Melbourne, the respondent completely 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 her with other things like supporting documents and flight tickets etc., for that too she was blaming the petitioner and

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she did not prepare to go to Melbourne. But the respondent was very interested to go trip with her parents and cousin and she was not interested accompany the petitioner for any trip. But the respondent went to Sikkim trip along with her parents.

24. 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 her clothes. When the petitioner tried to talk to her, but there was no proper response from her and she totally neglected the petitioner without talking terms. During this time the respondent’s mother called and shouted at the petitioner saying that “why don’t you give divorce, you are a loser”.

25. It is submitted that, thereafter the respondent herself called and informed the petitioner and told she will be back on 7th October 2017, and the petitioner went to pick her up from respondent’s mother place and the respondent came to the petitioner’s house.

26. It is submitted that, then the petitioner asked the respondent to move to a new rented house which is near to office for both of them, where the respondent is working that is WIPRO Company, Belandur, Bengaluru. But the respondent was not willing to do so rather she wanted to shift near her sisters place in Bannerghatta. Even after the respondent returned back to the petitioner’s house, she started behaving the same way like old behavior, by not talking, giving very vague answers, and 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,

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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 discuss and sort out the issue, but the respondent nor her parents 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, but there was no response from the respondent and not shown any interest to continue her marital life with the petitioner and she totally neglected, deserted the petitioner. Till now the marriage is not consummated between the petitioner and the respondent due to non-cooperation by the respondent. This conduct of the respondent is clearly shows that, the respondent 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 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 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, the respondent caused the petitioner tremendous trauma,

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stress and agony. Under the above facts and circumstances 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.

WHEREFORE, 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

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## 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

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

MC.No: /2019

**BETWEEN**

Mr.Madhava.K.S, -- Petitioner

**AND**

Mrs.N.Shruthi, -- Respondent

**VERIFYING AFFIDAVIT**

I, 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, do here by solemnly affirm and state on oath as follows:-

1. I am the petitioner in the above case and I know the facts of the case. Hence I am swearing to this affidavit.

2. I submit that, I have filed the above petition for divorce against the respondent. The averments made in Para 1 to 35 of the petition are true and correct to the best of my knowledge, information and belief.

3. I submit that, I have produced the documents as **Annexure A to C** and the same are originals/Xerox copies.

I, the deponent named above do hereby verify and declare that this is name and signature and the contents stated above are true and correct to the best of my knowledge, information and belief.

Identified by me

Deponent

Advocate Sworn to before me

Bangalore

Date:

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

MC.No: /2019

**BETWEEN**

Mr.Madhava.K.S, -- Petitioner

**AND**

Mrs.N.Shruthi, -- Respondent

## APPLICATION UNDER SECTION 13 OF THE FAMILY COURTS ACT

That for the reasons sworn to in the annexed Affidavit, it is humbly prayed this Hon'ble Court be pleased to permit the petitioner to engage the services of the counsels **M.R.C.Manohar, Mohankumar.H, M.T.NANAIAH ASSOCIATES**, Advocates, No.14, Mamatha ‘A’ Apartment, No.201, 2nd Floor, 4th main, Bangalore-560 009, to prosecute the above case effectively, in the interest of justice and equity.

Bangalore

Date: Petitioner

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

MC.No: /2019

**BETWEEN**

Mr.Madhava.K.S, -- Petitioner

**AND**

Mrs.N.Shruthi, -- Respondent

**AFFIDAVIT**

I, 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, do here by solemnly affirm and state on oath as follows:-

1. I am the petitioner in the above case and I know the facts of the case. Hence I am swearing to this affidavit.

2. I submit that, I have the filed the above petition for divorce against the respondent. I am not well-versed with legal proceedings to prosecute the case on my own in the said circumstances I need the assistance advocates as mentioned in the accompanying application, who may be appointed as Amicus Curie in the above case. Hence the accompanying application.

3. If the accompanying application is not allowed, I will be put to serious hardship and injury. On the other hand by allowing the application, no hardship or injury will be caused to the other side.

WHEREFORE, I humbly pray that, this Hon'ble Court be pleased to allow my accompany application, in the interest of justice and equity.

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I, the deponent named above do hereby verify and declare that the contents stated above are true and correct to the best of my knowledge, information and belief.

Identified by me

Advocate

Bangalore Deponent

Date: Sworn to before me

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

MC.No: /2019

**BETWEEN**

Mr.Madhava.K.S, -- Petitioner

**AND**

Mrs.N.Shruthi, -- Respondent

**LIST OF DOCUMENTS**

1. The original marriage invitation card -- **ANNEXURE-A**

2. The original marriage photograph -- **ANNEXURE-B**

3. The original marriage registration certificate -- **ANNEXURE-C**

4. The Xerox copy of Adhar Card of the petitioner -- **ANNEXURE-D**

Bangalore

Date: Advocate for Petitioner

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

MC.No: /2019

**BETWEEN**

Mr.Madhava.K.S, -- Petitioner

**AND**

Mrs.N.Shruthi, -- Respondent

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Bangalore

Date: Advocate for Petitioner