

Chief of Pw-1  
Certified that this is a true to accurate copy of the original, for the matter appearing in original has been faithfully copied with no modification.

Matrimonial Case No.123/2024

**BEFORE THE HON'BLE JUDGE, FAMILY COURT,  
RAICHUR, AT: RAICHUR.**

1) Shri. Manjunath Basavaraj Singai ...**Petitioner.**

V/s

1) Smt. Ashwini W/o Manjunath Singai  
...**Respondent.**

===

**AFFIDAVIT IN LIEU CHIEF EXAMINATION OF PW-1  
(U/O XVIII RULE 4 OF CPC)**

Herein I, **Manjunath Basavaraj Singai**, Age: 46 years,  
Occ.: Working as DGM Canara Bank Circle office 2<sup>nd</sup> floor,  
D.No.54-15-4B, Srinivasa Nagara, Bank Colony, (Next to  
Sweet Magic), Vijayawada-520008, R/o. Yellamachali  
Heights, Flat No.201, East Block (B), Nagarjun Nagar, Sri.  
Ramachandra Nagar, Vijayawada-520007 today at Raichur,  
do hereby state on solemn affirmation as under –

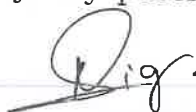
1) I and respondent are husband and wife respectively.  
Our marriage was solemnized at Belagavi in Mahatma  
Gandhi Vishwasta Mandal Samskrutika Bhavan on  
18/12/2005 as per the customs prevailed in our  
community. Later on the marriage has been duly  
registered in the office of Sub-Registrar, Belagavi on  
26/12/2005. My maternal grandfather by name late



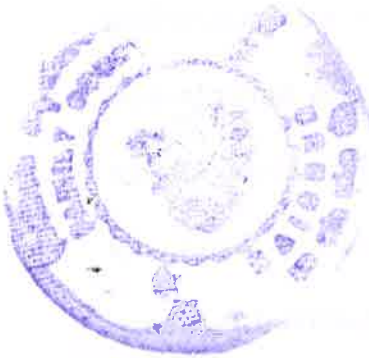
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DEPT OF CORRECTIONS

Shri. Laxman Bhimappa Hanabar of Modage and the paternal uncle of the respondent by name Shri. Suresh Shankar Rao Gavali of Kolhapur have mediated in fixing the marriage. Out of this wedlock, the couple have begotten two sons by name Onkar and Yatin, now aged 16 and 13 years respectively. Onkar is staying in a residential school viz. Indus Altum at Belagavi, whereas Yatin has been forcibly detained by the respondent.

- 2) It is submitted that though the marriage was performed on 18/12/2005 at Belagvi, on account of religious ceremonies and functions it was consummated in the first week of January 2006 at Belagavi, at my permanent place of residence. In the month of February 2008, the respondent became pregnant, so in July 2008, she left the matrimonial home to her parents house for the purpose of delivery. At that time, I was serving at Bengaluru. The respondent gave birth to Onkar on 14/11/2008 at Kolhapur, but she took a long time to join me. Thus I had to stay alone at Bengaluru and the respondent did not care me. The respondent was reluctant to join me after dclivery and exhibited her inclination to stay at Kolhapur only. My parents persuaded the parents


  
 NO OF CORRECTIONS

of the respondent to send the respondent to the matrimonial home or at the place of my residence. Thus the respondent joined me against her wish and will in the month of November 2009. I tolerated the conduct of the respondent in abandoning the matrimonial home without justifiable reasons with a hope that she would not leave me alone. I and respondent stayed at Bengaluru from November 2009. Since the respondent joined me against her wish and will, she started to non-cooperating me on minor and major issues and was quarreling with me and abusing in unacceptable language. Many a times, the respondent used to show knife with threats to me that she would cut her wrist and implicate me in criminal case. I am soft by nature and was very much afraid of the respondent. However, I continued to live with the respondent and there was cohabitation between us. As a result, the respondent conceived for the second time, so I took her and kept at Belagavi, in my permanent place of residence. On 29/11/2011, the respondent gave birth to second son Yatin at Belagavi. After the birth of Yatin, the respondent started misbehaving with my parents and was prick pinning and taunting us and was indulged in harassing us. The reason for such attitude was that the respondent

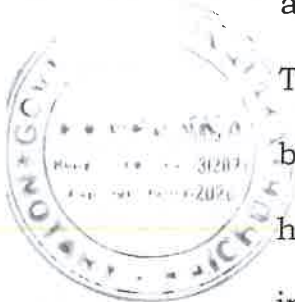


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NO OF CORRECTIONS

Reg.

was quarreling with my parents in connection with naming of the second son Yatin. My father had retired from his services in 2006. Within 15 days from the date of birth of Yatin, the respondent left Belagavi and started staying at Kolhapur and stayed there for 8 months without any justifiable reasons. In such unhappy environment, I went to Kolhapur and took the respondent, eldest son and new born Yatin aged 9 months to Bengaluru for a peaceful living.

- 3) I humbly submit that after going over to Bengaluru after the birth of Yatin, the respondent was quarreling with me and was objecting for my visit to parents and their visit to me. Thus the respondent has shown cruel attitude by trying to separate me from my parents. In the meanwhile, I was transferred to Pune, in the State of Maharashtra, which is very near to the parents place of the respondent viz. Kolhapur. Taking undue advantage of this situation the respondent used to go to Kolhapur frequently for a long period against my will and wish making my life miserable. Thus there was declination of love and affection between me and the respondent. Our cohabitation had come to standstill. The things continued till 2016 in which year, I was transferred to Hyderabad. The



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NO OF CORRECTIONS

respondent refused to join me at Hyderabad saying that she was not interested in leading marital life with me and insisted for substantial amount. The situation was thus, that I was staying at Hyderabad alone whereas the respondent was staying at Kolhapur with the children. She did not allow me to talk to the children.

- 4) It is submitted that in the year 2017 again I was transferred to Bengaluru. My brother was also married and staying at Bengaluru in a separate apartment. Brother's wife had continued her further education after his marriage. The respondent started comparing herself with my brother's wife and started quarreling and harassing me under the pretext that she was not permitted to prosecute her post graduation for which my parents gave her Rs.1 lakhs for pursuing MBA course through correspondence. Though she took the money, did not join the course but gave Rs.1 lakh to her parents. In this regard there were quarrels between us almost every day resulting in miserable situation that too in front of the minor children. The respondent also used to suddenly assault me unexpectedly while I was unaware of such attack.



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*Signature*



5) I submit that the respondent was enjoying herself in meting out cruelty towards me. She grew fat and overweight as she was doing nothing except eating and beating. Without my knowledge she started supplement HERBALIFE treatment and avoided cooking and eating. I was compelled to get the breakfast, food from outside for myself and my children. It very much affected my life and was thus fed up with the abnormal behavior of the respondent. It became impossible to leave with the respondent and as I was unsafe so also my eldest son who was able to notice the rude attitude of his mother.

6) I further submit that in order to reduce the weight, the respondent used to go for GYM from morning 6 to 9 which was time for preparing breakfast, Tiffin box for me and the two children. So betrayed all of us on account of her arrogant behavior. When I brought this fact to the notice of her parents, they did not pay any attention or advised the respondent. Thus my normal life and my children became hell of affairs. Due to above conduct and attitude of the respondent, she reduced her weight tremendously and became weak and feeble and was unable to perform the natural activities of a house wife and started refusing to have



*[Signature]*

20/01/2023

cohabitation. She lost her appetite and developed short temper and was feeling always tired and sleeping on the bed around the clock. The respondent used to hold a knife in her one hand and threaten me saying that she would cut her wrist and commit suicide and this has been noticed by eldest son Onkar. Under such circumstances, the respondent left the matrimonial house to Kolhapur threatening me that she would not come back and would seek divorce from me.

- 7) It is submitted that on 11/12/2018 both me and my parents, also the respondent and her parents and others assembled at Kolhapur to reconcile the matter but of no use. The respondent in front of all elders quarreled with me and my parents and expressed her intention to dissolve the marriage and refused to join the matrimonial home.

- 8) I submit that there has been no cohabitation between me and respondent since 11/12/2018 and that we have been residing separately. Thus the respondent has wantonly deserted me without any justifiable reasons and has made my life and my children's life miserable.



NO OF CORRECTIONS

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9) While myself and respondent were staying separately since 11/12/2018, the respondent, her parents and relatives compelled me to arrive at a conclusion that we should submit a consent divorce petition in Family Court at Kolhapur. Accordingly, a consent divorce petition was filed in Family Court Kolhapur on 22/02/2021 for dissolution of our marriage which came to be numbered as F-226/2020-21. All the terms and conditions for such dissolution of marriage were incorporated in the consent petition including the permanent alimony to be given to the respondent and also the children to be in my custody and to provide them necessities of life and education. Both myself and respondent got exchanged our belongings with the final decision of not returning them again. There remained nothing to be consoled and the relationship of husband and wife came to an end.

10) I submit that there has been intentional and constructive desertion by the respondent since 11/12/2018 and since then both of us are residing separately and there is no jural relationship of husband and wife between us. Thus the respondent has not only deserted me but also exhibited inhumane and barbaric acts as a result, the love and affection

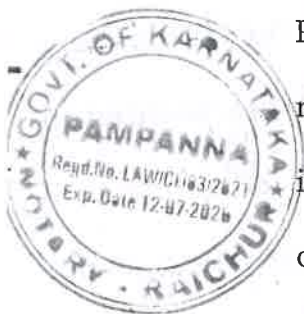


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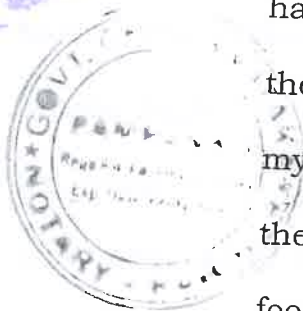
between us came to an end. Therefore I am entitled to get the decree of dissolution of marriage both on the ground of desertion and cruelty.

- 11) It is submit that though I attended the Family Court at Kolhapur repeatedly, the respondent even though got all her belongings, did not appear before the Court as a result the petition was closed. After the closure of the consent divorce petition, the respondent came to Raichur and demanded the custody of both sons. The eldest son refused to accompany her but the younger son accompanied her under threats and by force. The respondent drove away me from the residential place at Raichur with the help of local police and his brother. She is staying at Raichur in my rented house along with younger son but repeatedly visits Kolhapur. Whenever I tried to visit the younger son, I was threatened with dire consequences. However I am giving alimony to the respondent for her survival. Practically every day, the respondent used to threaten me that she would commit suicide and would implicate me in heinous cases. I have lodged several complaints with Raichur police, who have instructed me and the respondent to approach the Courts. I am totally unsafe with the respondent and I apprehend



that the respondent would ruin my further life. Under the above circumstances, I am constrained to file this petition for dissolution of marriage.

- 12) That, the respondent is rude and short temper lady and there was a man handling between me and respondent, while she was cooking in the kitchen at Pune all of sudden the respondent started shouting on me saying that I don't have interest on you about physical relationship, further she said that she wanted to reside separately from me, at that time there was a interaction between me and respondent, but all of sudden she lost her temper and she thrown the chapati making wooden roler on me thereby I sustained injury over the back of my neck and I started <sup>Shivering</sup> then my children saw and started crying by abusing to the respondent that why you are beating my father and giving mentally and physically torture, this incident has been taken place on 15/05/2016 at about 09.30 A.M. The respondent having so many friends at Pune who are working in the multinational company, so they used to come to my house at that time she was preparing food as per their friend's choices, at that time she was not serving food along with her friends to me and at that time

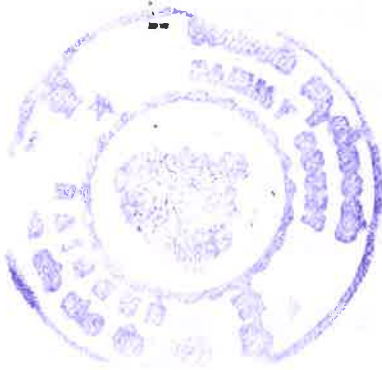


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(12) ✓  
DISTRICT COURT, PUNE

when her friend asked her to serve the food to your husband with them at that time she told that my husband is not good person and I am not interested on him and I am going to take mutual divorce so I am avoiding him and keeping him away from my life thereby the respondent insulting me in front of her friends, so I was mentally and physically tortured by the respondent, but I tolerated thinking that one or another day she may change in her attitude, but she did not do so.

- 13) In the month of May-2017 I was transferred from Hyderabad to Bengaluru the respondent was residing with me for the period of one year. On 12/10/2018 at about 09.00 A.M. she again got quarreled with me saying that she is not interested to lead happy married life with me and she is leaving for Kolhapur to her parental house for life long and started to reside there only.



I got transferred from Bengaluru to Kalaburagi as a Assistant General Manager and took charge on 02/12/2018, then on 11/12/2018 myself and my parents and my elder panchas went to the house of the respondent's parents to settle the matter to rejoin the marital life of me. But the respondent straightway

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refused to join me and to lead the happy married life. Further the respondent and her parents forcibly put pressure on me and my parents to file the mutual consent divorce petition before the Court.

- 15) When I was working at Kalaburagi office, the respondent was residing at Kolhapur with her parental house, but my children were residing along with my parents at Belagavi house as there was pandemic Covid-19 and declared lockdown by the government of India. But, I was alone at Kalaburagi for office work. So, since December-2018 the respondent residing at Kolhapur with her parents without caring and keeping any conversation between me and my children, but she called us through her parents and elders to the Kolhapur. So, myself, my parents and elders of my side went to Kolhapur on 07/02/2021 and panchayat was taken place at her parental house along with his brother and elders of her parental side and came to conclusion to file the mutual divorce petition, so before filing the mutual divorce petition there was an agreement cum understanding executed on 07/02/2021 between me and respondent and the said agreement got drafted as per wishes of the respondent and read over before me

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NO OF CORRECTIONS

and respondent and panchas, thereafter put myself and herself signature on the said agreement and attested witnesses also put their signatures before the Notary and signed on the notary register also by affixing photos of me and respondent, wherein clearly all the terms and conditions were agreed by the respondent and her parents and myself. In the said agreement it was agreed by the respondent to receive permanent alimony of Rs.20,00,000/- (Twenty lakhs rupees) and exchanging personal belongings and gold articles which were given and taken at the time marriage. Further there was a condition put by the respondent, that I should take the custody of both my children by name Onkar and Yatin and look after them including their education expenses etc. The original above said agreement was taken by the respondent and notarized agreement was handed over to me.



16) On 18/02/2021 the respondent called to my parents through panchas to give all gold articles and other belongings of her. So, my father along with panchas went to Kolhapur on 19/02/2021 to the house of the respondent along with gold articles as mentioned below-

NO OF CORRECTIONS

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- 1) Gold Bilwar – 4 Nos.
- 2) Gold chain – 1 No.
- 3) Gold suphire Ring – 1 No.
- 4) Gold round ring – 1 No.
- 5) Cash of Rs.50,000/- given to Manjunath to purchase two wheeler.
- 6) Cot and Bed.
- 7) Steel utensils.
- 8) Sarees dresses, cloths of Ashwini.
- 9) School/college and other certificate of Ashwini.

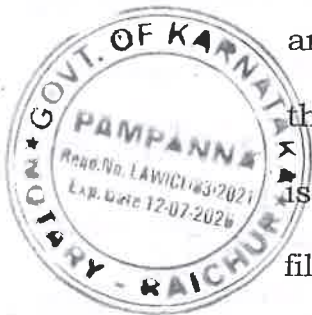
The above articles were received by the respondent on 19/02/2021 in front of panchas and attested witnesses and her parents and put her signature over the receipt of acknowledgement and handed over the said receipt cum acknowledgement to my father by the respondent. On the same day the respondent, her parents and their elders asked to my father to come on 22/02/2021 along with me and panchas to sign on the mutual divorce petition which would be drafted and prepared by their advocate by name Shri. B.S. Sankeshwari, Advocate Kolhapur.

17) On 22/02/2021 at about 10.00 A.M. myself, my parents along with panchas went to the office of the Advocate Shri. B.S. Sankeshwari at Kolhapur, but before that the respondent and her parents along with



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elders were already present in the office of the said advocate and they had already drafted mutual consent divorce petition by their advocate as per the respondent wishes and the same was read over us and we both signed on the said drafted mutual consent divorce petition which was drafted in Marathi language and same was explained to me in Hindi and English languages and presented on the same day before the Court at Kolhapur which was numbered at Hindu Marriage Application No.141/2021. Subsequently the same was transferred to Family Court, Kolhapur in No.F-226/2021-22. Thereafter, the said mutual consent divorce petition was posted for the cooling period of 18 months, but during that period the respondent changed her mind and by demanding permanent alimony amount to be enhanced from Rs.20,00,000/- to Rs.25,00,000/- and remained absent before the Family Court, Kolhapur and it was recorded by the Court in the order sheet that the petitioner No.1 is present. The petitioner No.2 is absent. The period of 18 months from the date of filing already expired. The petition has become infructuous as both failed to file evidence affidavit, therefore considering the said facts of the case, the petition is hereby dismissed for default and disposed.



NO OF CORRECTIONS

*Signature*

off. So, it is the clear case that the respondent intentionally giving me mental and physical harassment and not permitting me to lead my life smoothly in the society.

- 18) I was transferred from Kalaburagi to Raichur as AGM Canara Bank and I took charge on 21/04/2021 and I was residing at rented house in flat No.503 Maitri Apartment, Lingasur road, Raichur along with my younger son by name Yatin and parents. But, my elder son by name Onkar was studying at Indus Altum International residential school at Belagavi under my care and custody. All of sudden on 10/10/2022 at about 08.00 A.M. the respondent along with her mother and her brother came to my residential house and forcibly by goondaiusm along with bag and baggage's entered into my rented house. At that time I resisted them from the entering into the house but, her brother who is physically strong forcibly pushed me and thereby I fell down and they entered into the house and started to reside and forcibly ousted me. So I have to leave the house without taking any of my belongings including official laptop and cloths etc. Thereafter, there was a fear and danger to my life as the respondent being short



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NO OF CORRECTIONS

tampered and rude and she would not hesitate to do anything to my life colluding with her brother. So, to save my life and to maintain my dignity in the society. I started to reside separately in the Hotels and my colleagues rooms. Then I got transferred to Vijayawada as ~~DGM~~ <sup>✓</sup> Canara Bank and serving there only till today. It is very clear that the respondent intentionally deserted me from 11/12/2018 till today and there is no cohabitation or physical relationship between me and respondent, thereby I went into mental depression but the respondent alone residing at the same flat. However the owner of the flat No.503 <sup>✓</sup> has <sup>Notice</sup> issued to me, that unknown lady is residing at the said flat and he warned me to vacate the flat forthwith. So, there is no possibility to reunion and lead the happy married life with respondent. So, I have filed the divorce petition against the respondent on 10/01/2023 before the Judge Family Court, Belagavi which was transferred by the order of the Hon'ble High Court of Karnataka Kalaburagi bench and which is renumbered as M.C. No.123/2024 by this Hon'ble Family Judge Court, Raichur.

- 19) It is the very clear to say that the respondent willful and unjustifiable conduct of above said character as

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to cause danger to my life, limb, health bodily, mentally which gives rise to me a reasonable apprehension of danger to my life.

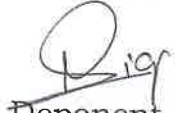
20) I have produced documents those documents may be marked as exhibits in my favour.

Hence, I respectfully pray before the Hon'ble Court, that the marriage solemnized between me and respondent on 18/12/2005 at Belagavi and registered at HMR No.519/20/107/05-06 dated: 26/12/2005 in office of Sub-Registrar Belagavi, may kindly be dissolved by decree of divorce, in the interest of justice.

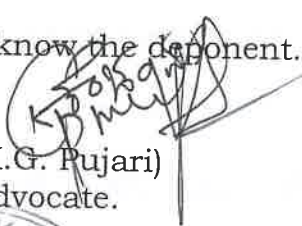
Hence, this affidavit.

That the contents of the affidavit paras are true and correct to the best of my knowledge information and belief.

Place: Raichur.  
Date: 16/12/2024

  
Deponent.

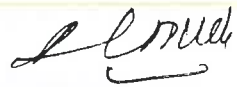
I know the deponent.

  
(K.G. Pujari)  
Advocate.



  
NO OF CORRECTIONS

SWORN BEFORE ME

  
16.12.24  
PAMPANNA  
NOTARY  
RAICHUR