

(2026) 08 KAR CK 2250

In the Karnataka High Court, Bengaluru Bench

Case No : WRIT PETITION NO. 23068 OF 2026 (GM-FC)

Smt. Subhashini Alias Smt. Subhashini Gopal

APPELLANT

Vs

Sri. R. Anil Kumar

RESPONDENT

Date of Decision : 06-08-2026

Acts Referred:

Constitution of India — Article 227
Hindu Marriage Act, 1955 — Section 13B

Citation : (2026) 08 KAR CK 2250

Hon'ble Judges : Chillakur Sumalatha, J

Bench : Single Bench

Advocate : Sri. P. Bhagya Lakshmi

Final Decision : Disposed Of

Judgement

Heard Smt.P.Bhagya Lakshmi learned counsel for the petitioner.

2. Having considered the nature of relief sought for and as no decision is rendered touching the merits of the case, this Court is of the view that notice to respondent can be dispensed with. Accordingly, notice to respondent is dispensed with.

3. This writ petition is filed seeking this Court to issue a writ of mandamus or direction to the Court of III Additional Principal Judge, Family Court, Bangalore to dispose of Execution Petition No.106/2025 in M.C No.1290/2018 expeditiously.

4. Learned counsel for the petitioner submits that petitioner is the ex-wife of respondent. Their lawful wedlock resulted in birth of two children. Petitioner and respondent filed a joint petition under Section 13B of the Hindu Marriage Act, 1955 for dissolution of marriage. A memorandum of settlement was executed and both parties signed. Said memorandum of settlement makes it clear that respondent agreed to bear entire educational expenses and major medical expenses of the children. However respondent failed to pay any amount as agreed upon towards educational expenses. Therefore, petitioner filed Execution

Case No.106/2025. Learned counsel submits that petitioner could not pay the tuition fee and therefore the child Miss.Chavi Anil Kumar was not given admission for this academic year. Likewise as the petitioner could not pay the tuition fee for the other child i.e. Miss.Suniksha Anil kumar, the school failed to issue the marks memo. Without marks memo, Miss.Suniksha Anil Kumar who completed X Standard cannot get admission for higher studies. Therefore a request was made to respondent to clear at least 50% of the arrears, but he did not respond. The execution petition is pending since more than a year and as petitioner could not get any amount despite filing execution petition and as the future of the children will be damaged in case fee due is not cleared, hence petitioner is constrained to file this writ petition.

5. The certified copy of the proceeding sheets reveals grant of ample opportunities to respondent/JDR to clear the arrears. The order dated 18.06.2026 also discloses that arrest warrant was issued against respondent/JDR. However there is no mention in the subsequent orders regarding the execution or non-execution of the arrest warrant issued.

6. The submission made by learned counsel for the petitioner and the documents produced makes it clear that there is every necessity for the Court to take up the execution case and dispose of the same on merits time bound. Therefore without expressing any opinion on the merits of the matter, the writ petition is disposed of with the following:-

ORDER

i. The Court of III Additional Principal Judge, Family Court, Bangalore is directed to take up Execution Case No. 106/2025 pending on its file and to dispose of the same on merits without adjourning the case giving longer dates and without there being sufficient cause shown for such adjournment.

ii. The progress and reasons for grant of adjournment, if any be recorded on every date of hearing.

iii. As the writ petition is disposed of without service of notice to respondent, Family Court is directed to serve copy of this order upon learned counsel who represents the respondent or upon the respondent.

iv. Registry is directed to forward copy of this order to the concerned Court forthwith.