

IN THE COURT OF THE SENIOR CIVIL JUDGE, AVANIGADDA

Present: Smt. K.Vijaya Kalyani,
Senior Civil Judge, Avanigadda.

Friday, this the 22nd day of December, 2023.

H.M.O.P.No.81/2023

Between:

Maddamsetti Anusha, W/o Rajababu, D/o Kureti Sudhakara Rao,
Hindu, aged about 32 years, Parents' protection, R/o 2nd Line, Bypass Road,
Challapalli Village of Challapalli Mandal.

...Petitioner

And:

Maddamsetti Rajababu, S/o Rama Rao, Hindu, aged about 42 years,
Agriculture & Private Employee, R/o Kureti Varipalem,
H/o Peda Kallepalli Village of Mopidevi Mandal.

....Respondent.

This Petition coming before me for hearing on 19.12.2023 in the presence of Sri B.Venkata Seshagiri Rao, Advocate for Petitioner and of Sri K.Sudhakar, Advocate for respondent, but respondent remained ex parte and having stood over for consideration till this day, this Court made the following:

ORDER

1. The present order is the result of the petition filed by the petitioner against the respondent U/sec.13-1(ia) & (ib) of Hindu Marriage Act 1955, praying this Court to pass a decree of divorce by dissolving their marriage dated 10.08.2006, for costs and other reliefs.

2. Brief averments of the petition are as follows:

That petitioner and respondent are wife and husband. Their marriage was solemnized on 10.08.2006 as per the Hindu Rites and caste customs. At the time of marriage, parents of petitioner gave an amount of Rs.2,00,000/- to the petitioner towards 'pasupu kumkuma' and said amount was entrusted to respondent. Immediately, after consummation of marriage, she joined with respondent to lead marital life. During their wedlock, a daughter by name Dhanavarsha, now aged about 16 years and a son by name Hema Sundar now aged about 13 years were born to them. After marriage respondent set up family in Chintal of Hyderabad due to his private employment therein. They both lead happy marital life for a period of four years. Thereafter, respondent addicted to

bad vices and misused the entire amount which was entrusted to him by the parents of petitioner at the time of marriage. Respondent harassed her physically and mentally with a demand to bring additional dowry from her parents and her parents unable to satisfy the illegal demands of respondent on the ground that they were not in a fit financial position. Respondent is no other than the maternal aunt's son of petitioner and due to their nearest relation, the parents of petitioner requested him to look after petitioner well without any harassment. Petitioner bore all the harassment with a fond hope that respondent would change his attitude, but without changing his attitude, continued harassment towards her. Finally in the month of May, 2013, respondent beat her and driven her out from the family house along with their children. Having no other alternative she along with her children went to her parents house and stayed with them depending upon their mercy. Though the parents of petitioner did mediation through elders to pacify the issue, but all their efforts became futile. As there is no ray of hope for reunion, petitioner was obliged to file this petition.

3. The respondent filed a detailed counter denying the allegations in the petition.

4. Brief averments of the counter filed by the respondent are as follows:-

Except the relationship, other allegations in the petition are baseless and invented. He never harassed the petitioner as alleged in the petitioner. The petitioner herself deserted him. Anyhow without prejudice to his contentions and by denying all the allegations against him, he has no objection to grant divorce to them. Hence, prays to allow the petition without prejudice to his contentions in the interest of justice.

5. **Now the point for consideration is:**

"Whether divorce can be granted by dissolving the marriage solemnized on 10.08.2006 in between the petitioner and respondent as prayed for?"

6. Heard the counsel for the petitioner.

7. In support of their pleadings, petitioner herself examined as P.W.1 and got marked Ex.P1 & Ex.P2. On the other side, respondent himself examined as R.W.1, no documents marked.

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Point:-

8. There is no dispute with regard to the relationship and date of marriage. To prove her case, petitioner examined herself as PW.1. She filed her chief affidavit and the same was admitted in lieu of chief examination. Her chief affidavit is replica of petition averments. Ex.P1 and Ex.P2 were marked through her which are marriage photos along with CD and wedding card. Further P.W.1 in her cross-examination admitted that she compromised with the respondent and she relinquished her right of maintenance against respondent.

9. Respondent himself examined as R.W.1, he filed his chief affidavit and the same was admitted in lieu of chief examination. His chief affidavit is replica of his counter averments. In his cross examination, R.W.1 admitted that he compromised with the petitioner and he do not have any objection to grant divorce by dissolving the marriage on 10.08.2006.

10. From the admissions of P.W.1 and R.W.1, it disclose that both Petitioner and Respondent compromised each other as per the terms narrated by them during their cross-examination.

11. Considering all the facts and circumstances, this court is satisfied and came to finding that there is no chance for reunion of both parties and both parties compromised upon the terms and conditions deposited in their evidence.

12. From the above discussion, divorce can be granted by dissolving the marriage solemnized on 10.08.2006 in between the petitioner and respondent as prayed for. Accordingly this point is answered.

13. In the result, petition is allowed. The marriage of petitioner and respondent dt.10.08.2006 is hereby dissolved by way of decree of divorce under Hindu Marriage Act.

Typed to my dictation by Steno, corrected and pronounced by me in open court, this the 22nd day of December, 2023.

K.V. Kalpana
22/12/23
Senior Civil Judge,
Avanigadda.

APPENDIX OF EVIDENCE
Witnesses examined

For petitioner:

PW.1: Maddamsetti Anusha.

For respondent :

R.W.1: Maddamsetti Raja Babu.

Exhibits marked

For petitioner:

Ex.P1: Marriage photos along with CD.

Ex.P2: Wedding Card.

For respondent:

NIL

K.V. Kalyani
22/12/22
SCJ, AVG.