

IN THE COURT OF THE ADDL. SENIOR CIVIL JUDGE AT : KARIMNAGAR.

PRESENT: K. Venkatesh,
Secretary, D.L.S.A, Karimnagar,
FAC: Addl. Senior Civil Judge,
Karimnagar.

Wednesday, this the 08th day of November, 2023.

H.M.O.P.No. 193 of 2022

Between:-

Nune Santhoshi @ Chennuri Santhoshi, W/o. Nune Venkatesh, Age:
22 Years, Occ: Household, R/o. H.No.: 5-53/2, BJ Colony, Durshed
Village, Karimnagar Mandal and District.

... Petitioner.

And

Nune Venkatesh, S/o. Rajaiah, Age: 31 Years, Occ: Employee in Tech
Mahindra, R/o H.No: 8-6-135, Gangaputhra Colony, Asampeta,
Boinpally, Secunderabad.

... Respondent.

This petition is coming before me on 01.11.2023 for final hearing in the presence of Sri P. Pranab Kumar, Advocate for Petitioner and Respondent remained exparte and upon perusing the material papers on record and the matter having been stood over for consideration till this day, this Court made the following:-

:: ORDER ::

1. This petition is filed under Section 13(1)(ia) of the Hindu Marriage Act, 1955 praying the court to grant decree of divorce by dissolving her marriage performed with the respondent on the ground of cruelty by the respondent.

2. The averments of the petition in brief are as follows:

The petitioner is the legally wedded wife of respondent and their marriage was solemnized on 01-07-2018 at ALN Gardens, Bommakal,

Karimnagar according to Hindu rites and customs, at the time of marriage, the respondent demanded a dowry of 15 tulas of gold and household articles and accordingly the parents of petitioner gave the same to the respondent and thereafter, they resided at the respondent's residence and during their wedlock on 03-04-2019 they were blessed with a son namely Dakshith and that after about 3 months of their marriage, the respondent started beating the petitioner mercilessly with hand and other objects and once threatened the petitioner to kill with a knife and used to not look after the petitioner during her pregnancy and further the respondent along with his mother, father, brothers and paternal uncle often scolded the petitioner and demanded for additional dowry of Rs. 10,00,000/- (Rupees ten lakhs only) and that unable to bear the attitude of the respondent and his family members, the petitioner approached Boinpally police station, wherein the respondent informed to the police that he was not interested in the marriage with her and that due to the acts of the respondent, the Petitioner with high B.P was diagnosed at Vijaya Mary hospital, Hyderabad during her pregnancy and a baby boy was born to her on 03-04-2019.

3. The petitioner further submitted that, they both lived amicably for about 3 months after the delivery of the boy, on 22-08-2020 the respondent has necked out her from the matrimonial home and abused her that she has eyes that of a snake and used to consume alcohol excessively and used to

beat her. On that, the petitioner came to her parental house at Durshed Village. The Respondent is an employee of Tech Mahindra Company at Hyderabad and earns a salary of Rs. 60,000/- per month and that the Petitioner's son is suffering from Asthama and has to be vaccinated periodically and that the Respondent is neglecting and he is not maintaining the Petitioner and her son and he is not taking back them to his society inspite of the requests made by the petitioner. That unable to bear the cruelty of the respondent and his family members, the petitioner reported to the S.H.O, Women Police Station and a case under section 498-A and 506 of IPC and Section 4 D.P.Act has been registered in Cr.No. 5 of 2021 and that the Petitioner intended to join with the Respondent for the welfare of the family as such, the Petitioner has also filed a Petition under section 9 H.M Act praying for restoring the conjugal relation of the petitioner with the respondent before the Hon'ble Prl. Senior Civil Judge, Karimnagar vide HMOP No. 96 of 2021 and the same was dismissed on 20-04-2022 as the respondent accepted the petitioner into his conjugal society on 14-03-2022 and that the respondent was calm till the closure of the said case and thereafter, on 22-03-2022 the respondent abused the petitioner whole night and after four days the respondent beat the petitioner as to why she filed the cases and the respondent used to beat the petitioner whenever the child fell down/got minor nun and that used to beat the petitioner with stick saying

that the child was weak due to the petitioner and used to suspect her fidelity.

4. In the month of June 2022, the respondent beat the petitioner when the petitioner asked the respondent to join her son in a school and refused the petitioner to work as an Attender in school inspite of the St. Andrew School, Hyderabad management giving offer for free education for the petitioner's child, if the petitioner worked as an Attender in their school, but the respondent harassed the petitioner and thereby neglected to get education to the child. Further, on 10-06-2022, the respondent beat the petitioner with utensils and he abused her by saying that she became fat to sleep with persons moving on the road. On 22-07-2022, the respondent harassed the petitioner with abusive language and beat her, as such she hanged herself to a ceiling fan with long shawl, on that the Respondent inspite of saving her, he took videos and photos with his mobile and laughed at her. At that time, when the neighbours saw as to why the respondent was near the window, jumped the wall and insisted to get down as such the petitioner got down from the chair and that the respondent was recreating by showing the video to the neighbours and necked out the petitioner. So, the petitioner went to P.S Boinpally and informed the cruelty committed by the respondent and came to the her parent's home with her child by leaving her all belongings at the Respondent's house. Hence, she filed this O.P to

pass judgment and decree by dissolving her marriage with the respondent and grant permanent alimony of Rs. 30,00,000/- (rupees thirty lakhs only) to the petitioner and costs of the petition.

5. Despite service of notice, there was no representation on behalf of respondent and he did not choose to file the counter, hence the respondent was set exparte on 22.09.2023.

6. To prove her case, the petitioner got examined herself as PW.1 and got marked Exs.P1 to P4 through her which are Ex.P1 is the original wedding card, Ex.P2 is the marriage photographs (2) in number, Ex.P3 is the certified copy of petition in HMOP No. 96/2021 on the file of this court and Ex.P4 is the certified copy of order in HMOP No. 96/2021 on the file of this court.

7. Heard the arguments of learned counsel for the petitioner. Perused the record.

8. Now the point for determination is:

1. ***“Whether the petitioner is entitled for grant of decree of divorce by dissolving her marriage with the respondent on the ground of cruelty, as prayed for ?”***
2. ***“Whether the petitioner is entitled for permanent alimony of Rs. 30,00,000/- (Rupees thirty lakhs only) from the respondent, as prayed for ?”***

9. **Point No.1:-**

To prove her case, the petitioner got examined herself as PW.1. The testimony of PW.1 goes to show that her marriage was solemnized with respondent on 01-07-2018 at ALN Gardens, Bommakal, Karimnagar according to Hindu rites and customs, at the time of marriage, the respondent demanded a dowry of 15 tulas of gold and household articles and accordingly the parents of petitioner gave the same to him, thereafter, during their wedlock, on 03-04-2019 they were blessed with a son namely Dakshith and that after about 3 months of their marriage, the respondent started beating the petitioner mercilessly with hand and other objects and once threatened her to kill with a knife and used to not look after her during her pregnancy period and further the respondent along with his mother, father, brothers and paternal uncle often scolded the petitioner and demanded for additional dowry of Rs. 10,00,000/- (Rupees ten lakhs only) and that unable to bear the attitude of the respondent and his family members, the petitioner approached Boinpally police station, wherein the respondent informed to the police that he was not interested in the marriage with her and that due to the acts of the respondent, the Petitioner with high B.P was diagnosed at Vijaya Mary hospital, Hyderabad during her pregnancy and that they both lived amicably for about 3 months and after the delivery of the boy, on 22-08-2020 the respondent has necked out her from the matrimonial home and abused her and used to consume alcohol excessively and used to beat her.

On that, the petitioner came to her parental house at Durshed Village. The Respondent is an employee at Tech Mahindra Company, Hyderabad and earns a salary of Rs. 60,000/- per month and that the Petitioner's son is suffering from Asthama and has to be vaccinated periodically and that the respondent is neglecting and he is not maintaining the Petitioner and her son and he is not taking back them to his society inspite of the several requests made by the petitioner. That unable to bear the cruelty of the respondent and his family members, the petitioner reported to the S.H.O, Women Police Station and a case under section 498-A and 506 of IPC and Section 4 D.P.Act has been registered in Cr.No. 5 of 2021 and that the Petitioner intended to join with the respondent for the welfare of the family as such, the petitioner has also filed a Petition under section 9 H.M Act praying for restoring the conjugal relation of the petitioner with the respondent before this vide HMOP No. 96 of 2021 and the same was dismissed on 20-04-2022, as the respondent accepted the petitioner into his conjugal society on 14-03-2022 and that the respondent was calm till the closure of the said case and thereafter, on 22-03-2022 the respondent abused the petitioner whole night and after four days the respondent beat the petitioner as to why she filed the cases and that in the month of June 2022, the respondent beat the petitioner when the petitioner asked the respondent to join her son in a school and refused the petitioner to work as an Attender in school inspite of the St. Andrew School, Hyderabad

management giving offer for free education for the petitioner's child, if the petitioner worked as an Attender in their school, but the respondent harassed the petitioner and thereby neglected to get education to the child. Further, on 10-06-2022, the respondent beat the petitioner with utensils and he abused her by saying that she became fat to sleep with persons moving on the road. On 22-07-2022, the respondent harassed the petitioner with abusive language and beat her, as such she hanged herself to a ceiling fan with long shawl, on that the respondent inspite of saving her, he took videos and photos with his mobile and laughed at her. At that time, when the neighbours saw as to why the respondent was near the window, jumped the wall and insisted to get down as such the petitioner got down from the chair and that the respondent was recreating by showing the video to the neighbours and necked out the petitioner. So, the petitioner went to P.S Boinpally and informed the cruelty committed by the respondent and came to the her parent's home with her child. There is no marital relationship between the Pw.1 and respondent since 22.07.2022, as such the acts of the respondent amounts to cruelty towards the petitioner.

10. The pleadings of the petitioner and the testimony of PW.1 goes to show that the petitioner filed the petition for decree of divorce on the ground of cruelty. The testimony of PW.1 remained unchallenged as the respondent

remained exparte, which entitles the petitioner for decree of divorce as prayed for.

11. In view of the above said facts, circumstances and the testimony of Pw.1, it is evident that the petitioner is seeking the decree of divorce since there is no chance of their reunion. In the circumstances, it can be held that the petitioner is entitled for the decree of divorce as prayed for. Thus, the point No.1 is answered in favour of the petitioner.

12. **Point No.2:-**

The petitioner is seeking the relief of permanent alimony of Rs. 30,00,000/- (Rupee thirty lakhs only), but the petitioner did not file any scrap of paper before this court to show that the respondent is having capacity to pay the said amount to the petitioner towards permanent alimony. However, in view of the averments of the petition, as well as, the chief-affidavit and in view of the facts and circumstances of the case and taking the judicial notice about the present scenario, it is appropriate to grant an amount of Rs. 5,00,000/- (Rupees five lakhs only) to the petitioner towards permanent alimony. This point is answered accordingly.

13. In the result, the petition is allowed by dissolving the marriage held between the petitioner and the respondent 01-07-2018 at ALN Gardens, Bommakal, Karimnagar, however without costs. Further, the respondent is

directed to pay an amount of Rs. 5,00,000/- (Rupees five lakhs only) to the petitioner towards permanent alimony.

Typed to my dictation to the Stenographer Gr.III, corrected and pronounced by me in the open Court on this the 08th day of November, 2023.

**SECRETARY, D.L.S.A, KARIMNAGAR,
FAC: ADDL. SENIOR CIVIL JUDGE,
KARIMNAGAR.**

APPENDIX OF EVIDENCE
WITNESSES EXAMINED

FOR PETITIONER:

PW.1: Nune Santhoshi @ Chennuri Santhoshi

FOR RESPONDENT:

Exparte

EXHIBITS MARKED:

FOR PETITIONER:

Ex.P1: Original wedding card.

Ex.P2: Marriage photographs (2) in number.

Ex.P3: Certified copy of petition in HMOP No. 96/2021 on the file of this court.

Ex.P4: Certified copy of order in HMOP No. 96/2021 on the file of this court.

FOR RESPONDENT:

Exparte

**SECRETARY, D.L.S.A, KARIMNAGAR,
FAC: ADDL. SENIOR CIVIL JUDGE,
KARIMNAGAR.**