

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

PRESENT: SMT. M. ARUNA,
PRL. SENIOR CIVIL JUDGE,
KARIMNAGAR.

Monday, this the 26th day of June, 2023

H.M.O.P. No. 175 OF 2022

Between:

Kanaparthi Vijender Rao, S/o. Bucharao, Aged 39 years, Occ:
Agriculture, R/o.H.No.2-32, Vannaram, V/o. Manakondur Mandal of
Karimnagar District.

...Petitioner No.1.

And

Pittala Gangavva, W/o. Kanaparthi Vijender Rao, D/o. Pittala Venkati,
Aged 31 years, Occ: Household, R/o. H.No.2-20, Nyalakondapalli V/o.
Gangadhara Mandal of Karimnagar District.

...Petitioner No.2.

This petition is coming before me for final hearing on 12.06.2023
in the presence of Sri Ch. Srinivas and Sri K.Narsimha Reddy,
Advocates for the Petitioners No.1 and 2, and upon perusing the
material papers on record, having been heard and having stood over
for consideration to this day, the Court delivered the following:-

:: O R D E R ::

1. This petition is filed by the petitioners No.1 and 2 under Section
13-B of Hindu Marriage Act, 1955 for dissolution of their marriage
dated 09.08.2020 by mutual consent.

2. The brief averments of petition is that petitioner No.2 is the legally wedded wife of petitioner No.1 and their marriage was performed on 09.08.2020 at Kodandaramalayam, Gangipalli Village of Manakondur Village as per Hindu rites and customs and it is an arranged marriage. The petitioner No.1 is born as deaf and dumb. The marriage between the parties has been consummated and out of their wedlock no issues were born to them. After the marriage the petitioner No.2 joined the society of the petitioner No.1 and lived only for a few days and thereafter the petitioner No.2 left to her maternal home as there arose bitter misunderstandings between both the petitioners and keeping the same in mind, the parties are residing separately from each other for the past more than one and half year. In this connection several panchayaths were held between the parties in the presence of elders wherein their disputes could not be resolved and therefore, there is no scope for their reunion or conciliation between them. As such, both the petitioners have agreed to dissolve their marriage by a decree of divorce to lead their lives independently.

3. That in pursuance of the said decision of the petitioners No.1 and 2 to live separately, the following terms have been agreed mutually

between both parties that (1) The petitioners No.1 and 2 have exchanged their articles/ornaments presented to each other and the parties have no claim over the articles/ornaments hereinafter. (2) The petitioner No.1 has agreed to pay an amount of Rs.30,000/- (Rupees Thirty Thousand only) to the petitioner No.2 towards permanent alimony and the said amount would be paid on the date of passing of decree of mutual divorce. (3) That the marital tie between the both petitioners shall stand ceased from the date of decree of mutual divorce. (4) That the petitioner No.2 undertakes that she would not file any civil or criminal cases including Section 498-A of IPC, DVC, MC or any other case against the petitioner No.1 and his relatives and even if they are filed they should be closed in view of this mutual understandings. (5) The petitioner No.2 will have no rights over the property and person of the petitioner No.1 in view of this mutual divorce and (6) That both the petitioners are at liberty to remarry for which the other party shall not have any objection. Hence, this petition.

4. During the pendency of petition, there were some reconciliation talks held, but failed, so both petitioners stated that they do not intend

to withdraw the petition and further represented that there is no chance for their re-union and insisted this Court for grant of divorce and also both the petitioners requested this Hon'ble Court to dispense the cooling period of six months and filed I.A. No.308/2023 and the same was allowed.

5. To prove the case of the petitioners, the petitioner No.1 is examined as P.W.1 and got marked Exs. P1 and P2. The petitioner No.2 is examined as P.W.2 and no documents marked on her behalf.

6. Heard both sides and perused the record.

7. Now the point for consideration is:

“Whether the petitioners No.1 and 2 are entitle for the relief of granting decree of divorce under mutual consent as prayed for?”

8. **POINT:**

In support of the case, the petitioners No.1 and 2 have filed their chief affidavits, and examined as P.W's 1 and 2, Exs. P1 and P2 got marked, the Ex.P1 is the original marriage invitation card, Ex.P2 is the joint marriage photograph of the petitioners. As per Ex.P1, it goes to show that the marriage of the petitioner No.1 held with the petitioner No.2, Ex.P2 also supporting that at the time of their marriage, the

photographs were taken by them.

9. Therefore, the evidence of P.W's 1 and 2/petitioners No.1 and 2 and the Exs. P1 and P2 are goes to show that the marriage of P.W's 1 and 2 was performed on 09.08.2020 at Kodandaramalayam, Gangipalli Village of Manakondur Village as per Hindu rites and customs and it is an arranged marriage. The petitioner No.1 is born as deaf and dumb. The marriage between the parties has been consummated and no issues were born to them out of their wedlock. After the marriage the petitioner No.2 joined the society of the petitioner No.1 and lived only for a few days and thereafter the petitioner No.2 left to her maternal home as there arose bitter misunderstandings between both the petitioners and keeping the same in mind, the parties are residing separately from each other for the past more than one and half year. In this connection several panchayaths were held between the parties in the presence of elders wherein their disputes could not be resolved and therefore, there is no scope for their reunion or conciliation between them. As such, both the petitioners have agreed to dissolve their marriage by a decree of divorce with mutual consent. Hence, the P.W's 1 and 2 are entitled to take divorce by mutual consent as prayed

for and accordingly, the point is answered.

10. In the result, the petition is allowed by granting decree of divorce by dissolving the marriage took place between the petitioner No.1 and petitioner No.2 dated 09.08.2020. No order as to costs.

Dictated to Stenographer directly on computer in the open court on this the 26th day of June, 2023.

Sd/-
PRL. SENIOR CIVIL JUDGE,
KARIMNAGAR.

APPENDIX OF EVIDENCE
WITNESSES EXAMINED

FOR THE PETITIONERS:

P.W.1 Kanaparthi Vijender Rao.
P.W.2 Pittala Gangavva.

EXHIBITS MARKED

FOR THE PETITIONERS:

Ex.P1 Original invitation card.
Ex.P2 Joint photographs of the petitioners two in number.

Sd/-
PRL. SENIOR CIVIL JUDGE,
KARIMNAGAR.

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