

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.

Tuesday, this the 01st day of August, 2023.

H.M.O.P.No. 186 of 2022

Between:-

Kachu Mohan, S/o: Bheeraiah, Age: 23 years, Occ: Agriculture, R/o:
H.No. 4-24, Ryalapalli, Kurmapalli village of Gangadhara mandal of
Karimnagar district.

... Petitioner.

And

Kachu @ Chukka Revathi, W/o: Kachu Mohan, D/o. Chukka
Mallaiah, Age: 21 years, Occ: Housewife, R/o: H.No. 1-46/C,
Kurmapalli village of Gangadhara mandal of Karimnagar district,
presently residing at C/o. Puna Thirupathi, Burugupalli village,
Gangadhara mandal of Karimnagar district.

... Respondent.

This petition is coming before me on 25.07.2023 for final hearing in the presence of Sri B. Venkataswamy, Advocate for Petitioner and Respondent set 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)(i)(ia) of the Hindu Marriage Act, 1955 praying the court to grant decree of divorce by dissolving his 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 respondent is legally wedded wife of petitioner and their marriage was solemnized on 14.05.2021 at parental house of respondent situated at Ryalapalli, Kurmapalli village of Gangadhara mandal of Karimnagar district, The respondent is his near relative and sister-in-law by relation and they are also neighbours as their houses are situated adjacent to each other and their marriage was arranged one. After their marriage, the respondent joined the society of the petitioner and they both lived happily for a period of one year only and out of their marriage no children were born to them. The petitioner completed his degree and used to look after his agricultural along with his father and looking after the respondent, his parents, sister and grandmother. He submitted that, from the month of May, 2022, the respondent intentionally started harassment towards him by not doing any household works and used to quarrel with him and his parents on petty issues, so also, she is going to her parents' house without any intimation to him and his family. All of a sudden, on 15-11-2022, in the night hours, the respondent came to his house and left his society by taking her belongings and went to her parental house. Later, on 22-11-2022, in the mid night hours, the respondent went away from her parental house without any intimation to her parents as well as to the petitioner. On the next day, in the

morning hours, the parents of the respondent searched and enquired about her but they did not find her whereabouts.

3. In this regard, on 24-11-2022, the petitioner lodged missing complaint against the respondent before Gangadhara P.S. On the next day, i.e., on 25-11-2022, the police have informed to the petitioner and his family members that they have found the respondent. On that, the petitioner along with his parents and his in-laws went to the police station and asked her that why she has left from the house without any information to them, but she did not answer to them and neither refused to come and join with the society of the petitioner nor come to her parental house, so also, stated that she was married one Puna Thirupathi and she is living along with him at Budgupalli village, Gangadhara mandal and said Puna Thirupathi was also present at the police station at that time. At present the respondent is living with said Puna Thirupathi at Burugupalli village. Hence, the respondent intentionally by suppressing her illegal intimacy with one Puna Thirupathi she escaped from his house without any information and quarreled with the petitioner and his family on unnecessary topics intentionally to escape from the house. The petitioner tried to hold panchayaths before elders in the village, but the respondent and her parents refused to come and attend the panchayaths and the petitioner requested the respondent to join conjugal society with him, but the respondent never return to the matrimonial home, however the

respondent did not heed to the requests of the petitioner. Thus, the petitioner suffered a lot and he has more love and affection towards the respondent, but she did not allow him and it clearly reveals the cruelty of the respondent and she is not interested to join with him. Finally, on 01-12-2022, the petitioner requested her to join his society unconditionally, but she refused to join his society and also refused to give divorce. Finally, he prayed the court to grant divorce from the respondent on the ground of cruelty since they are residing separately since 15-11-2022 as the respondent left his society by taking her belongings and went to her parental house.

4. On receipt of summons and though granting sufficient opportunities the respondent did not choose to file the counter, there was no representation; hence the respondent was set exparte on 30.06.2023.

5. To prove his case, the petitioner got examined himself as PW.1 and got marked Ex.P1 original wedding card and Ex.P2 marriage photographs (3) in no. along with compact disc and also he got examined two more witnesses namely Sri. Dane Narsaiah and Sri. Motte Ailaiah as PWs.2 and 3 in support of his case.

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

7. Now the point for determination is:

“Whether the petitioner is entitled for grant of decree of divorce by dissolving his marriage with the respondent on the ground of cruelty, as prayed for ?”

8. **Point:-**

To prove his case, the petitioner got examined himself as PW.1. The testimony of PW.1 goes to show that his marriage was performed on 14.05.2021 at Ryalapalli, Kurmapalli village of Gangadhara mandal of Karimnagar district, they led happy marital life for one year and no issues born to them and the respondent is near relative to him and sister-in-law by relation and they are also neighbours as their houses are situated adjacent to each other. Thereafter, from the month of May, 2022, the respondent intentionally started harassment towards him and used to quarrel with him and his parents on petty issues, so also, she is going to her parents' house without any intimation to him and his family. All of a sudden, on 15-11-2022, in the night hours, the respondent came to his house and left his society by taking her belongings and went to her parental house and on 22-11-2022, in the mid night hours, the respondent went away from her parental house without any intimation to her parents, as well as, to the petitioner. In this regard, on 24-11-2022, the petitioner lodged missing complaint against the respondent before Gangadhara P.S. On the next day, i.e., on 25-11-2022, the police have informed that they have found the

respondent and on that, the petitioner along with his parents and his in-laws went to the police station and asked her about the same for which, she did not answer to them and neither refused to come and join with the society of the petitioner nor come to her parental house, so also, stated that she was married one Puna Thirupathi and she is living along with him at Budgupalli village, Gangadhara mandal and said Puna Thirupathi was also present at the police station at that time. At present the respondent is living with said Puna Thirupathi at Burugupalli village. In this regard, the petitioner tried to hold panchayaths before elders in the village, but the respondent and her parents refused to attend the panchayaths. Finally, on 01-12-2022, the petitioner requested her to join his society unconditionally, but she refused the same and also refused to give divorce. According to the testimony of PW.1, he himself made several efforts to join the respondent with his society for which she bluntly refused. There is no marital relationship between the petitioner and respondent since 01.12.2022, as such the acts of the respondent amounts to cruelty towards the petitioner. Further in support of his evidence he also got examined the Pws.2 and 3 namely Dane Narsaiah and Motte Ailaiah who are his relatives and they deposed the same version as deposed by the Pw.1 with regard to the marriage and harassment of the respondent towards the petitioner and also the respondent got married one Puna Thirupathi.

9. The pleadings of the petitioner and the testimonies of PWs.1 to 3 goes to show that the petitioner filed the petition for decree of divorce on the ground of cruelty. The testimonies of PWs.1 to 3 remained unchallenged as the respondent remained exparte, which entitles the petitioner for decree of divorce as prayed for.

10. In view of the above said facts, circumstances and the testimonies of Pws.1 to 3, 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 is answered in favour of the petitioner. Under these circumstances, this court holds that it is a fit case to grant decree of divorce to petitioner by dissolving their marriage with the respondent as prayed for. The point is answered accordingly.

11. **In the result**, the petition is allowed by dissolving the marriage held between the petitioner and the respondent on 14.05.2021 at Ryalapalli, Kurmapalli village, Gangadhara mandal, Karimnagar district, however, without costs.

Typed to my dictation to the Stenographer Gr.III, corrected and pronounced by me in the open Court on this the 01st day of August, 2023.

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

APPENDIX OF EVIDENCE
WITNESSES EXAMINED

FOR PETITIONER:

PW.1: Kachu Mohan
PW.2: Dane Narsaiah
PW.3: Motte Ailaiah

FOR RESPONDENT:

-- None--

EXHIBITS MARKED:

FOR PETITIONER:

Ex.P1: Original wedding card.
Ex.P2: Marriage photographs (03) in number
along with C.D

FOR RESPONDENT:

– Nil –

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