

IN THE COURT OF THE JUDGE, ADDL. FAMILY COURT, VISAKHAPATNAM.

PRESENT: Kum.**K.VANISREE**,
Judge, Addl. Family Court,
Visakhapatnam.

Monday, the 31st day of July, 2023

FCOP. No.2509/2022

Between:

1. Sri Kodi Sunil Kumar, S/o Subrahmanyam, Hindu, aged 33 years, residing at flat No.211, SLV GVR Paradise, 4th Main Road, Vinayakanagar, Bengaluru, Karnataka State.
2. Smt Kodi(Seerapu) Nagalatha, W/o Kodi Sunil Kumar, D/o Seerapu Sangam, Hindu, aged 29 years, residing at D.No.50-80-3/2, Santhipuram, Near Gurudwara, Akkayyapalem, Visakhapatnam.

...Petitioners

And:

---Nil--

...Respondent

This petition is coming on 16.06.2023 for hearing before me in the presence of Sri K.Mohana Rao, Sri B.D.V.Prasad, Advocates for Petitioners 1 and 2, and the same having been stood over for consideration, this Court made the following :

ORDER

The petitioners filed this petition U/s.13-B of Hindu Marriage Act, for dissolution of their marriage solemnized on 25.08.2021 on mutual consent by granting decree of divorce.

2. Brief averments of the petition are that petitioners 1 and 2 are legally wedded husband and wife and their marriage was solemnized on 25.08.2021 at Hotel Ritz Comfort, Dwarakanagar, Visakhapatnam as per Hindu rites and caste customs. The petitioners submitted that they lived for a period of one month and thereafter serious disputes arose between them as 2nd petitioner was postponing the nuptials and they are living separately from October, 2021 and out of their wedlock no children were born to them. They submitted that the efforts made by elders for their

reunion went in vain and they decided to dissolve their marriage by way of mutual consent. 1st petitioner agreed to pay an amount of Rs.5,00,000/- towards permanent alimony to the 2nd petitioner. Both petitioners agreed to take return of their gold ornaments presented at the time of marriage and agreed not file any civil or criminal cases against each other and they are at liberty to remarry as per their wish. Hence the petition.

3. As seen from the record this petition was filed on 15.12.2022, registered on 16.12.2022 and matter posted to 16.06.2023. On 16.06.2023 both the petitioners appeared before the court and expressed their disinclination to lead conjugal life. The efforts made by the court for reconciliation/ reunion failed.

4. During enquiry of this petition, the first petitioner is examined as PW1 and the second petitioner is examined as PW2 and got marked Exs.A1 to A4.

5. Heard the learned counsel for the petitioners. This court had carefully gone through the pleadings and the oral and documentary evidence on record and considered the same.

6. Now the point for consideration is:

Whether the petitioners are entitled for dissolution of their marriage, dt. 25.08.2021 by mutual consent?

7. POINT: As noted above, during enquiry, the petitioners 1 and 2 filed affidavits and the contents of the affidavits are found to be similar to the averments of the petition. Both of them mainly averred that their marriage was solemnized on 25.08.2021 at Hotel Ritz Comfort, Dwarakanagar, Visakhapatnam as per Hindu rites and caste customs. After marriage they lived for some time and due to disputes they are

living separately from October, 2021. The efforts made by the elders for their reunion failed and there is no chance of reunion and possibility to continue their conjugal life and they decided to take divorce by mutual consent.

8. The evidence of Pws 1 & 2 coupled with documents marked are in conformity with the petition averments and translated the pleadings into direct evidence which is acceptable in the facts and circumstances of the case. The oral and documentary evidence proved that the marriage of the petitioners was solemnized on 25.08.2021 and the same is an undisputed fact. The evidence on record further suggested that they lived together for one month after marriage and they got separated due to disputes and it is the case of the petitioners that there is no possibility to adjust themselves to lead their conjugal life. Further 2nd petitioner received Rs.5,00,000/- from 1st petitioner towards permanent alimony. Therefore, this court is left with no other option except to accept their contentions in the petition and grant a decree of divorce by mutual consent. In view of the above discussion coupled with reasons the point is accordingly answered holding that the petitioners are entitled for the relief of divorce on mutual consent.

9. In the result, petition is allowed and the marriage of first petitioner Sri Kodi Sunil Kumar with the second petitioner Smt Kodi(Seerapu) Nagalatha solemnized on 25.08.2021 is dissolved by granting decree of divorce by mutual consent. The petitioners shall bear their own costs.

Dictated to Stenographer on computer, corrected and pronounced by me in open court this the 31st day of July, 2023.

Sd/- K. Vanisree
Judge
Addl. Family Court
Visakhapatnam

APPENDIX OF EVIDENCE

Witnesses examined for

Petitioners:

P.W.1 : Sri Kodi Sunil Kumar

P.W.2 : Smt Kodi(Seerapu) Nagalatha

Documents marked for petitioners:

Petitioners:

Ex.A1: Wedding Card.

Ex.A2: Marriage Photos(03 in no).

Ex.A3: Photo Copy of Aadhar Card of 1st Petitioner.

Ex.A4: Photo Copy of Aadhar Card of 2nd Petitioner.

Sd/- K.Vanisree

Judge
Addl. Family Court
Visakhapatnam

Date of Presentation: 15.12.2022

Date of Filing : 16.12.2022

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PRESENT: Kum.**K.VANISREE**,
Judge, Addl. Family Court,
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...Petitioners

And:

---Nil--

...Respondent

The petitioners filed this petition U/s.13-B of Hindu Marriage Act, for dissolution of their marriage solemnized on 25.08.2021 on mutual consent by granting decree of divorce.

A fixed court fee of Rs.10-00 is paid under Art.I sch.II of A.P.C.F and S.V.Act.

This petition is coming on 16.06.2023 for hearing before me in the presence of Sri K.Mohana Rao, Sri B.D.V.Prasad, Advocates for Petitioners 1 and 2, and the same having been stood over for consideration, this Court doth order ; and

DECREE

1. that the petition be and the same is hereby allowed and the marriage of first petitioner Sri Kodi Sunil Kumar with the second petitioner Smt Kodi(Seerapu) Nagalatha solemnized on 25.08.2021 is dissolved by granting decree of divorce by mutual consent; and
2. that the petitioners shall bear their own costs.

Given under my hand and the seal of the Court, this the 31st day of July, 2023.

Sd/- K.Vanisree
Judge
Addl. Family Court
Visakhapatnam

No cost memo is filed on either side.

Sd/- K.Vanisree
Judge
Addl. Family Court
Visakhapatnam