

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

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

Wednesday, the 9th day of August, 2023

FCOP. No.2495/2022

Between:

1. Sri Kanukolanu Francis Sudhakar, S/o late Kanukolanu Jeevananandam, Christian, age 60 years, residing at D.No.10-16-24, Bethal Campus, Beside Sarvapalli Radhakrishna Junior College, Anakaplle Mandalam, Anakapalle, Visakhapatnam.
2. Smt Mindi Mary Swarupa, W/o Kanukolanu Francis Sudhakar, Christian, age 58 years, Housewife, residing at D.No.39-6-78/1, GF-1, Srinivasa Residency, Muralinagar, Beside Passport Office, Visakhapatnam-530007.

...Petitioner

And:

---Nil--

...Respondent

This petition is coming on 21.06.2023 for hearing before me in the presence of Sri P.S.N.Raju, P.S.S.A.V.Prasad and S.Sai Kiran, 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.10-A of Divorce Act, for dissolution of their marriage solemnized on 18.05.1987 on mutual consent by granting decree of divorce.

2. Brief averments of the petition are that petitioners 1 and 2 are husband and wife and their marriage was solemnized on 18.05.1987 as per Christian rites and caste customs at Bethal Campus, Anakapalle and out of their wedlock they were blessed with two children by name K.Dennis Jeevan and K.Monica Francis. Petitioners submitted that from the date of marriage differences arose between them due to incompatibility of minds and both are quarreling for petty issues and for

the last 11 years they are living separately. Their children made efforts to bring them under one roof, but the same became futile and as there is no possibility of reunion they decided to dissolve their marriage by way of mutual consent. Hence the petition.

3. As seen from the record this petition was filed on 13.12.2022, registered on 13.12.2022 and matter posted to 14.06.2023. From 14.06.2023 the matter adjourned to 21.06.2023. On 21.06.2023 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.18.05.1987 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 18.05.1987 at Bethal Campus, Anakapalle. After marriage they lived together for some time and due to disputes they are living separately from September, 2011. 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 18.05.1987 and the same is an undisputed fact. The evidence on record further suggest that after considerable time after marriage they got separated due to disputes and it is the case of petitioners that there is no possibility to adjust themselves to continue their conjugal life. 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 Kanukolanu Francis Sudhakar with the second petitioner Smt Mindi Mary Swarupa solemnized on 18.05.1987 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 9th day of August, 2023.

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

APPENDIX OF EVIDENCE

Witnesses examined for

Petitioners:

P.W.1 : Sri Kanukolanu Francis Sudhakar

P.W.2 : Smt Mindi Mary Swarupa

Documents marked for petitioners:

Petitioners:

Ex.A1: Marriage Photo.

Ex.A2: Wedding Card.

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: 13.12.2022

Date of Filing : 13.12.2022

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

And:

---Nil--

...Respondent

The petitioners filed this petition U/s.10-A of Divorce Act, for dissolution of their marriage solemnized on 18.05.1987 on mutual consent by granting decree of divorce.

A fixed court fee of Rs.30-00 is paid under Art.I sch.II of A.P.C.F and S.V.Act.

This petition is coming on 21.06.2023 for hearing before me in the presence of Sri P.S.N.Raju, P.S.S.A.V.Prasad and S.Sai Kiran, 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 Kanukolanu Francis Sudhakar with the second petitioner Smt Mindi Mary Swarupa solemnized on 18.05.1987 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 9th day of August, 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.