

IN THE COURT OF THE III ADDITIONAL DISTRICT JUDGE:
EAST GODAVARI AT KAKINADA.

Present: Smt.P.Kamala Devi,
III Addl. District Judge, Kakinada

Thursday, this the 27th day of July, 2023

D.O.P.No.292/2022

Between:

Siddabathula Vijaya Rani.

... Petitioner.

AND

Siddabathula Kishore Kumar.

... Respondent.

This O.P. coming on this day i.e., 17.07.2023 for final hearing before me in the presence of Sri T.Prudhvi Raju, Advocate for Petitioner and the Respondent having remained *ex parte*, and the matter having stood over for consideration, this Court made the following:-

ORDER

This O.P has been filed under Section 10(1)(x) of Indian Divorce Act seeking decree for divorce in favour of petitioner against respondent by dissolving the marriage dt:21.09.2009 took place in between petitioner and respondent.

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

The petitioner is the legally wedded wife of the respondent. Their marriage was solemnized on 21.09.2009 at her parents house as per Christian rites and caste customs. As per demand of the respondent and his family members, the petitioner's parents gave an amount of Rs.1,00,000/- towards dowry and presented sari samans worth Rs.1,00,000/- at the time of marriage and performed the marriage on observing all the formalities. After the marriage, the petitioner joined with the respondent in his house situated at Yanam to lead marital life and they lived together amicably only for a period of three months. Out of their wedlock, they blessed with two children namely Ajay, aged 12 years and Akil, aged 8 years. Thereafter the respondent and his family members started harassing the petitioner both physically and mentally with a demand to bring another Rs.1,00,000/- as additional dowry from her parents house. The respondent is having all types of bad habits like drinking and womanising. The respondent used to come to

home in late nights in drunken state and beat her inhumanly with a demand to bring additional dowry from her parents. The petitioner bore all the torture and harassment in the hands of respondent with a fond hope that the respondent may change his attitude, but the respondent did not change his attitude. The respondent suspected her fidelity and beat her mercilessly, due to unbearable harassment she consumed penyl with a view to commit suicide, but she saved. The respondent and his family members threatened her that they will kill her if she will file complaint before police. With a fear she did not give complaint to police.

3. The petitioner further submitted that the respondent and his family members did not provide food to her properly and necessary things to her and her child. He did not give single pie in the house for maintenance and he spent all his earnings for his vices. He developed illegal contact with other woman. When the petitioner requested him to change his attitude, he grew wild and beat her black and blue. The gold ornaments presented to petitioner by her parents at the time of marriage are forcibly taken by the respondent and spent the same for his vices. She went to Dubai for doing job with the force of the respondent. She did job at Dubai and sent amount to him and he spent all the amounts for his vices without looking after the welfare of children properly. She returned to India after one year, the respondent and his family members started harassing towards her and they beat her and driven her and her two children from their house on 08.04.2021 with a demand to bring additional dowry from her parents or earn money by visiting to Dubai. Having no other go the petitioner went to her parents house along with her children. The petitioner gave complaint against the respondent and his family members in Yanam Police Station. But the police did not register the case on the influence of respondent. No similar application is filed before any court except the present petition. Hence, the petition.

4. Respondent remained ex-parte through out the proceedings, inspite of receipt of notice from the court.

5. During the course of enquiry the petitioner herself was examined as P.W.1 and she examined one third party as P.W.2 besides marking Ex.P1 to Ex.P4.

6. Heard the petitioner.

7. Now, the point for consideration is:

Whether the petitioner is entitled to seek divorce by dissolving the marriage between the petitioner and the respondent which was took place on 21.09.2009 under section 10(1)(x) of Indian Divorce Act as prayed for?

8. POINT:

The oral evidence of PWs.1 and 2 and the documents marked under Exs.P1 to P4 remains unchallenged, as the respondent did not choose to contest the case and cross examine the witnesses. So, there are no reasons to disbelieve the oral evidence of PW.1 and PW.2. Exs.P1 to P4 coupled with Pws.1 and 2 evidence clearly establishes that the marriage of petitioner with the respondent was took place on 21.09.2009 as per Christian rites and caste customs and during their wedlock they blessed with two children.

9. The oral evidence of PWs.1 and 2 further speaks that the respondent addicted with bad vices and used to come to home in drunken condition and suspect the fidelity of petitioner and beat her mercilessly and failed to provide food to her and failed to provide necessary things to her children and did not look after the welfare or maintenance of family members by developing illegal intimacy with other woman and that the respondent used to demand the petitioner to bring additional dowry or earn money by visiting Dubai. On which the petitioner gave complaint to police and she vexed with the behaviour of respondent and went to her parents house, which amounts to cruelty.

10. The above evidence comes within the purview of Sec. 10(1)(x) of Indian Divorce Act. Therefore, I am of view that the petitioner is entitled to seek divorce from the respondent on the ground of cruelty, as she is able to prove the said fact by placing cogent evidence. Accordingly this point is answered.

11. In the result, the petition is allowed by granting a decree of divorce by dissolving the marriage between the petitioner and respondent held on 21.09.2009 on the ground of cruelty under Sec.10(1)(x) of Indian Divorce Act. No costs.

Dictated to Stenographer Gr-I transcribed by her, corrected and pronounced by me in the open Court this the 27th day of July, 2023.

Sd/- P.Kamala Devi
III ADDL. DISTRICT JUDGE,
KAKINADA.

APPENDIX OF EVIDENCE
WITNESSES EXAMINED

For Petitioner:

P.W.1: Vijaya Rani.
P.W.2: Pampana Davidu.

For Respondent:

None.

DOCUMENTS MARKED

For Petitioner:

Ex.P-1	-	Wedding card.
Ex.P-2	--	Marriage photos two (2 in number)
Ex.P-3	--	Marriage certificate
Ex.P-4	--	Compared copy of Aadhar card of the petitioner.

For Respondent: NIL.

Sd/- P.Kamala Devi
III A.D.J.