

IN THE COURT OF II-ADDL. SENIOR CIVIL JUDGE, HANAMKONDA

Friday, this the 7th day of February, 2025

Present:- **Smt Sampathi Rao Chandana**
II-Addl. Senior Civil Judge,
Hanumakonda.

H.M.O.P.No. 64 OF 2024

Between:

1. Chittimalla Srinivas, S/o. Venkataiah, Age: 35 years, Occ: Business, R/o. H.No.117/1, Kolanpak Road, Aler village and mandal, Yadagiri Bhuvanagiri District.
2. Chittimalla @ Manchana Swetha, W/o. Chittimalla Srinivas, Age: 33 years, Occ: Housewife, R/o. H.No.6-7, Dharmasagar village and mandal, Hanamkonda District.

... Petitioners

AND

- Nil -

... Respondent

This petition is coming up before me for final hearing on 24.01.2025 in the presence of **Sri G. Jagadeeshwar**, Learned Counsel for the Plaintiff Nos.1 and 2; and upon hearing and on perusal of the material on record and having the matter stood over for consideration this Court has delivered the following:

:: ORDER ::

1. This petition is filed by the petitioners No.1 and 2, who are Husband and wife, under Section 13(B) of Hindu Marriage Act, seeking to pass a decree of divorce by dissolving their marriage took place on 23.11.2017 by mutual consent.

2. The averments of the petition in brief are as follows: The petitioners are legally wedded husband and wife and their marriage was solemnized on 23.11.2017 at Siddeshwara Swamy Temple, Kodavatoor village,

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Jangaon District as per caste customs and traditions prevailing in their community. That the petitioners lived together happily for few days and there were no issues out of their wedlock. Thereafter, serious misunderstandings arose in between both the petitioners as they got different views about leading their lives, as a result of which petitioner No.2 was forced to live at her parents house and it is still continuing. In this regard, both the petitioners approached their caste elders and they advised both the petitioners to live an amicable life, but all their efforts went in vain and they were unable to live together and as such, there was no hope of any re-union of the petitioners and both the petitioners were living separately since 21-12-2022. As such, the Petitioners agreed that their marriage should be dissolved through court of law by mutual consent.

3. The Petitioner No.1 agreed to pay Rs. 3,50,000/- (Rupees Three lakhs and Fifty Thousand Only) to the Petitioner No.2 towards future maintenance and permanent alimony at the time of granting of divorce. The Petitioner No's.1 and 2 already exchanged their respective ornaments, articles which were presented at the time of their marriage. The Petitioner No's.1 and 2 shall have no right whatsoever against each other and their properties and the rights derived on account of their marriage is relinquished. The Petitioner No.2 agreed and promised that she will not file any civil and criminal cases against the Petitioner No.1 or his family members in future. Both the Petitioner No's.1 and 2 are at liberty to lead their individual life as per their whims and fancies and they can choose their spouse and lead marital life after obtaining decree of divorce from the Court. That there is no collusion between the parties in filing the petition for divorce.

4. The Point for consideration is :

Whether the petitioners are entitled for dissolution of their marriage held on 23.11.2017 by mutual consent, as prayed for?

5. *Heard both parties and their counsels.*

6. Both the petitioners examined themselves as PW1 and PW2 and got marked Exs.P1 and P2 through PW-1.

7. **POINT:** Upon perusal of the averments of the petition and from the evidence of PWs 1 and 2 along with Exs.P-1 and P-2 documents, it is evident that petitioners No.1 and 2 are legally wedded husband and wife respectively. Their marriage was performed on 23.11.2017 at Siddeshwara Swamy Temple, Kodavatoor village, Jangaon District as per the caste customs prevailing in their community and there were no issues out their wedlock. Thereafter differences arose between them and the petitioners could not lead a happy marital life and lived together for some period. In this regard, Several panchayaths were also held in between the Petitioners, but in vain and as such, there was no chance of their reunion. At last, both the petitioners decided to have divorce by mutual consent.

8. In this regard, the Petitioner No.1 also agreed to pay an amount of Rs.3,50,000/- (Rupees Three Lakhs and Fifty thousand only) towards full and final settlement, permanent alimony to the Petitioner No.2 at the time of granting of divorce. The Petitioner No.2 also agreed to take steps to withdraw the Maintenance case vide M.C.No.56/2022 on the file of I-Addl. Judl. First Class Magistrate court, Hanamkonda and criminal case U/s. 498-A, 323 & 506 IPC, Sec. 3 and 4 of DP

Act, which were filed against Petitioner No.1. As the prescribed period of six months is over, the petitioner Nos.1 and 2, who are the wife and husband, filed their affidavits of examination in chief reiterating the contents of the petition and got marked Exs.P-1 and P-2 through PW-1. Ex.P-1 is the Marriage Invitation card and Ex.P-2 is Marriage Photographs. Further, Petitioner No.2 ie., P.W-1 deposed that P.W-1 has agreed to pay an amount of Rs.3,50,000/-. As per the agreement, the PW-2 admitted to have been received an amount of Rs. 3,50,000/- in her chief examination before the court towards her permanent alimony and future maintenance. PWs 1 and 2 further deposed that they have already exchanged their presentations, belongings and articles presented each other at the time of marriage and further stated that they are at liberty to lead their individual life as per their whims and fancies and they can choose their spouse and led marital life. The petitioners have stated that there is no possibility of their reunion, when asked by the Court.

9. In view of the contention of the petitioners that there is no possibility of their reunion and they have decided to get their marriage dissolved by mutual consent and already they have been residing separately since 21-12-2022, and in the facts and circumstances of the case, this Court is of the opinion that the petitioners are entitled for dissolution of their marriage, dated 23.11.2017 by mutual consent. Accordingly, the Point is answered.

10. In the result, the petition is allowed granting divorce to the petitioners No.1 and 2 by dissolving their marriage solemnized on 23.11.2017 by way of mutual consent. No costs.

(Typed to my Dictation by Stenographer, corrected and pronounced by me in the open court on this the 7th day of February, 2025)

**II ADDL. SENIOR CIVIL JUDGE,
HANAMKONDA**

APPENDIX OF EVIDENCE

WITNESSES EXAMINED

FOR PETITIONERS:

PW-1: Ch. Srinivas

PW-2: Ch @ M. Swetha.

FOR RESPONDENTS:

- NIL -

EXHIBITS MARKED

FOR PETITIONERS:

Ex.P-1: Original Marriage wedding Card,

Ex.P-2: Marriage Photograph.

FOR RESPONDENTS:

- NIL -

**II ADDL. SENIOR CIVIL JUDGE,
HANAMKONDA**

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DECREE

IN THE COURT OF THE ADDITIONAL SENIOR CIVIL JUDGE HANUMAKONDA

Friday, this the 7th day of February, 2025

Present:- **Smt Sampathi Rao Chandana**
II-Addl. Senior Civil Judge,
Hanumakonda.

H.M.O.P.No. 64 OF 2024

Between:

1. Chittimalla Srinivas, S/o. Venkataiah, Age: 35 years, Occ: Business, R/o. H.No.117/1, Kolanpak Road, Aler village and mandal, Yadagiri Bhuvanagiri District.
2. Chittimalla @ Manchana Swetha, W/o. Chittimalla Srinivas, Age: 33 years, Occ: Housewife, R/o. H.No.6-7, Dharmasagar village and mandal, Hanamkonda District.

... Petitioners

AND

- Nil -

... Respondent

Claim for:- This is a petition is filed by the petitioners No.1 and 2, who are Husband and wife, under Section 13(B) of Hindu Marriage Act, seeking to pass a decree of divorce by dissolving their marriage took place on 23.11.2017 by mutual consent.

Cause of action arose on : On 23.11.2017 when the marriage of the petitioner No.1 and Petitioner No.2 took place. The cause of action arose on 21-12-2022 since then, both the parties are living separately.

Petition filed on: 01-04-2024.

DECREE:- This petition is coming before me for final hearing on 24.01.2025 in the presence of **Sri G. Jagadeeshwar**, Learned Counsel for the Plaintiff Nos.1 and 2; THIS COURT DOTH ORDER AND DECREE that:

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This petition is allowed granting divorce to the petitioners No.1 and 2 by dissolving their marriage solemnized on 23.11.2017 by way of mutual consent. No costs.

(Given under my hand and the seal of the court, on this the 7th day of February, 2025)

**II-ADDL. SENIOR CIVIL JUDGE,
HANUMAKONDA**

PARTICULARS OF COSTS

Particulars	For Petitioner(s)	For Respondent(s)
Stamps on petition : Rs.		
Stamps on Power : Rs.		
Stamps on Exhibits : Rs.		
Stamps on Process : Rs.		
Pleader's Fee : Rs.		
Commissioner Fee : Rs.		
Publication Charges : Rs.		
Miscellaneous : Rs.		
Total : Rs.		

**II-ADDL. SENIOR CIVIL JUDGE,
HANUMAKONDA**

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