

IN THE COURT OF THE PRINCIPAL SENIOR CIVIL JUDGE :: TIRUPATI

Present: **Sri D. Yedukondalu,**
Principal Senior Civil Judge, Tirupati

Friday, the 21st day of July, 2017

H.M.O.P. No.6 of 2017

Mude Monika.

...

Petitioner

Vs.

Dr.Bukya Sri Hari

...

Respondent

This petition is coming on this day before me on 13.07.2017 for final hearing in the presence of Sri S.Manoj Kumar, Advocate for petitioner and respondent remained exparte and this matter having stood over till this day for consideration, this Court delivered the following:

ORDER

The petitioner-wife filed this petition against the respondent-husband U/Sec.13 (1) (ia) of Hindu Marriage Act, 1955 for dissolution of the marriage by way of decree of divorce, on the ground of cruelty.

2) The brief averments in the petition are as follows: The petitioner's marriage with the respondent was celebrated on 11.05.2015 at Sree Varalamma Temple, Anki Setti Palli village and Post, Near Madanapalli as per Hindu rites and customs and the said marriage is love marriage. After the marriage, the petitioner and respondent registered the marriage before Marriage Registrar, Madanapalli bearing Certificate No.127/2015 dated 12.05.2015. Due to their wedlock, no issues were born. After marriage, they lived at respondent's house at Renigunta road, Tirupati and after setting up their family, there arose some misunderstandings between both the petitioner and respondent. The petitioner have adjusted for a short period with the respondent adamant behavior and when the petitioner asked about the behavior of the respondent, the respondent informed about his love affair with some other lady and he is continuing with her and also shown the joint photos in his cell phone. The petitioner asked him to drop the affair with her, but, the respondent did not hear the words of the petitioner and continued to harass the petitioner mentally. The petitioner was unable to tolerate the cruelty acts of the respondent and she went to her parent's house in the month of January, 2016 and since then, the petitioner is residing at her parent's house. Several mediations were held for reunion of both petitioner and respondent, but there is no change in attitude of the respondent. He is not willing to change his attitude and to joint the petitioner. Hence the petition.

3) The respondent remained exparte. To substantiate the case of the petitioner, the petitioner herself gave evidence as PW1 and Exs.A1 to A3 are marked on her behalf.

4) Heard the learned counsel for the petitioner. Now the point for determination is: **"Whether the petitioner is entitled for dissolution of marriage by way of decree of divorce on the ground of cruelty, as prayed for?"**

5) **Point:** According to the evidence of PW1 Mude Monika coupled with Exs.A1 to A3, she is legally wedded wife of the respondent. There may not be any dispute about said fact. But, her oral evidence established that the respondent was having love affair with some other lady since prior to his marriage with the petitioner and the respondent is continuing with her and also shown the joint photos in his cell phone. The petitioner asked to drop the affair with her, but, the respondent did not hear the words of the petitioner and continued to harass the petitioner mentally like anything. The respondent openly stated to the petitioner that he married the petitioner only to get prestige before his friends and relatives and that she cannot lead matrimonial life with him by sharing bed with love and affection. Once the cruelty of the respondent is in such a nature, the petitioner may not be excepted to live with him by showing love and affection. It may not be out of place to mention that the petitioner categorically stated that the respondent was having love affair with other lady and still, he is continuing with the said lady and he subjected her to lot of cruelty. So, in such conditions, the petitioner cannot live with the respondent and she is entitled for decree of divorce on the ground of matrimonial cruelty. The point is answered accordingly.

6) In the result, the petition is allowed by dissolving the marriage between the petitioner and respondent on the ground of cruelty. No costs.

Dictated to the Personal Assistant and after her transcription, corrected and pronounced by me in the open Court on this the 21st day of July, 2017.

**PRINCIPAL SENIOR CIVIL JUDGE,
TIRUPATI.**

APPENDIX OF EVIDENCE
WITNESSES EXAMINED

FOR PETITIONER:

PW1: Mude Monika.

FOR RESPONDENT:

-- Exparte --

DOCUMENTS MARKED

FOR PETITIONER:

Exhibit	Date		Description of document
A1	12.05.2014	:	Marriage registration certificate.
A2	---	:	Marriage photo of the petitioner and the respondent with CD.
A3	---	:	Aadhar card of the petitioner.

FOR RESPONDENT:

– Nil --

PSCJ, TPT