

IN THE COURT OF III ADDITIONAL DISTRICT JUDGE, BHIMAVARAM

Present: **Smt. P.Sri Satya Devi**,
III Additional District Judge,
Bhimavaram.

Friday, the 20th day of January, 2023

D.O.P.No.184/2022

Between :

Kadiyala @ Bokuri Jyothsna Devi, W/o Kiran Kumar, D/o Bokuri Satyanarayana, Christian, 39 Years, Parents Protection, Residing at D.No.3-202, Near R.C.M. Church, Gollavanitippa Village, Bhimavaram Mandal, W.G.Dt., BJCJC.

... Petitioner

A N D

Kadiyala Kiran Kumar, S/o Late Haneku, Christian, 35 Years, Residing at H.No.3-461, Venkatagiri Konda, Bommuru, Rajahmundry Rural, E.G.Dt., Pin-533124, E.G.Dt., RJCJC.

... Respondent

This petition coming on 3-1-2023 before me for final hearing in the presence of Sri B.Vijaya Babu, Advocate for the Petitioner and of the Respondent set exparte and the matter having stood over for consideration till this day, the Court delivers the following:

:: O R D E R ::

1. Petition filed by the petitioner under Section 10(1)(ix)(x) of Indian Divorce Act for dissolution of the marriage dated 7.1.2010 interse the petitioner and respondent by passing a decree of divorce on the grounds of desertion and cruelty.

2. The petitioner's case in precise is that the marriage between the petitioner and respondent solemnised on 7.1.2010 as per Christian rites and caste customs at the house of respondent at Rajahmundry, E.G.Dt., and it is love marriage. During their wedlock,

they have not blessed with any children. The respondent's mother has not like their marriage and used to treat the petitioner as a housemaid. Later the respondent harassed the petitioner to bring money from her parents and everyday consumed alcohol and came to house at late nights, when the petitioner questioned the same, he beat her indiscriminately. For some times, the respondent's mother not provided food also to her. The petitioner and respondent shifted their family to Gollavanitippa Village in the month of January, 2018, into a rented house. Only one week the respondent stayed with the petitioner. In the 3rd Week of January, 2018 he went away to his native place without informing the same to the petitioner. Subsequently inspite of sincere efforts made by petitioner, the respondent has not been accepting to lead further marital life with the respondent. In these circumstances, the petitioner was constrained to file this petition. Hence, the petition.

3. The respondent remained exparte after receipt of notice.
4. The petitioner herself examined as P.W.1 and exhibited 3 documents under Exs.P.1 to P.3.
5. The Points for determination are :
 - 1. Whether the petitioner has established that the respondent treated her with cruelty and deserted her or not?**
 - 2. Whether the petitioner is entitled for dissolution of the marriage as prayed for or not?**

6. **POINT NO.1:-** The unchallenged evidence of petitioner as P.W.1 coupled with the documentary evidence marked through her in the shape of Exs.P.1 to P.3 is nothing but reiteration of petition averments and it was not traversed by the respondent who became exparte. The oral and documentary evidence of the petitioner clearly go to show the marriage of the petitioner with the respondent and her residence proof as well as the harassment met by her in the hands of respondent. In view of such evidence, this court holds that respondent treated the petitioner with cruelty and deserted her. Therefore, this court answered this point in affirmative and in favour of the petitioner.

7. **POINT NO.2:-** In view of the discussion of point No.1, this Court hold that the petitioner is entitled for dissolution of marriage as prayed for.

8. **In the result,** petition allowed by dissolving the marriage of petitioner and respondent dated 07.01.2010 by way of granting decree of divorce under Section 10(1)(ix)(x) of Indian Divorce Act.

Typed to my dictation by the Stenographer Grade.I, corrected and pronounced by me in open Court on this the 20th day of January, 2023.

Sd/- P.Sri Satya Devi,
**III ADDITIONAL DISTRICT JUDGE,
BHIMAVARAM.**

APPENDIX OF EVIDENCE
WITNESSES EXAMINED

FOR PETITIONER:

P.W.1 : Kadiyala @ Bokuri Jyothsna Devi

FOR RESPONDENT:

- N O N E -

DOCUMENTS MARKED

FOR PETITIONER:

Ex.P.1/Dt.07-01-2010 : Marriage Certificate.
Ex.P.2/ -- : Marriage Photo.
Ex.P.3/Dt.28-07-2022 : Original certificate issued by the Gazetted Officer.

FOR RESPONDENT:

- N I L -

Sd/- P.S.S.D.,
III ADJ/BVRM