

IN THE COURT OF THE SENIOR CIVIL JUDGE AT KANDUKUR

Present : Sri N.Vijaya Babu,
Senior Civil Judge

Tuesday, the 13th day of June, 2023

H.M.O.P.No.177/2022

1. Tirumalasetti Srikanth, S/o. Late Siva Prasad, Hindu, aged 32 years, private employee, S-228N, Balajinagar, Gajulavari Street, Mangalagiri Town and Mandal, Guntur District.
2. Nakka @ Tirumalasetti Manisha, W/o. Srikanth, D/o. Nakka Venkateswarlu, Hindu, aged 27 years, Housewife, R/o. Saduvaripalem Village of Jarugumalli Mandal, Prakasam District.

..... Petitioners

V/s

None

..... Respondent

This petition is coming on 05.05.2023 before me for final hearing in the presence of **Sri T.Tirumala Rao**, Advocate for petitioners and none was shown as respondent and having stood over for consideration till this day, this court delivered the following;

// O R D E R //

1. This is a petition filed by the petitioners/wife and husband U/s.13(B) of Hindu Marriage Act, 1955 to dissolve their marriage by way of mutual consent.

2. The brief averments of the petition filed by the petitioners are that, the marriage between them was performed on 28.10.2020 at 1st petitioner's house at Mangalagiri as per Hindu Religion, Caste custom and usage. After the marriage the 2nd petitioner joined with the 1st petitioner to lead marital life and started marital life at Mangalagiri for about one month. Later they shifted family to Saduvaripalem Village of Jarugumalli Mandal for about 5 months. Unfortunately certain misunderstandings and serious differences of opinions arose between them. More so they are near relatives the mother of the 1st petitioner and father of the 2nd petitioner are own brother and sister. They have no interest towards the marriage. Elders and family members pressurized them for the marriage. Having no other go they accepted for the marriage. The 1st petitioner has no love and affection towards the 2nd petitioner to lead marital life. The 2nd petitioner is also having dislike towards the 1st petitioner. In view of the facts and circumstances, their perceptions and opinions lead them unhappy to live together and hence the 1st petitioner left the 2nd petitioner and went to native place in the month of May, 2021. They have no children. Due to their dislike, differences in opinions and perceptions they are unable to lead peaceful life and maintain cordial relationship. In the month of September & October, 2021 the elders namely Sakiri Koteswara Rao, Dande Ravikumar, Sadu Prasad and some others conducted mediation at Saduvaripalem Village and tried to amalgamate to live and convince them several times but they bluntly refused to live together and expressed their dislike. The elders advised them to file this petition mutually. The 2nd petitioner gave up own right to the past, present and future maintenance against the 1st petitioner. Themselves as well as their family members agreed and undertake to restrain themselves from interfering with the life of each other. Hence this petition.

3. None were shown as respondents.

4. Now the point for consideration is **“Whether the petitioners are entitled to seek dissolution of their marriage that took place on 28.10.2020”?**

5. In order to prove the petitioner’s contention, the petitioners examined themselves as P.W.1 and P.W.2 respectively, P.W.3/N.Venkateswarlu, P.W.4/T.Syamala and got marked Ex.A.1 & Ex.A.2.

6. Heard. Perused the record.

7. **Point:** P.W.1 and P.W.2 in their chief affidavits filed in lieu of respective chief examinations reiterated the averments of the petition. P.W.3 & P.W.4 who are father of 2nd petitioner and mother of 1st petitioner respectively in their respective chief affidavits filed in lieu of chief examinations supported the case of the petitioners in toto.

8. As can be seen from the record i.e., as per the evidence of P.W.1 to P.W.4 and Ex.A.1 & Ex.A.2 shows that the marriage between the petitioners 1 and 2 took place on 28.10.2020 at 1st petitioner’s house at Mangalagiri as per Hindu Religion, Caste custom and usage, that after the marriage the 2nd petitioner joined with the 1st petitioner to lead marital life and started marital life at Mangalagiri for about one month, that later the petitioners shifted family to Saduvaripalem Village of Jarugumalli Mandal for about 5 months, that unfortunately certain misunderstandings and serious differences of opinions arose between the petitioners, that more so the petitioners are near relatives the mother of the 1st petitioner and father of the 2nd petitioner are own brother and sister, that the petitioners have no interest towards the marriage, that elders and family members pressurized the petitioners for the marriage, that having no other go the petitioners accepted for the marriage, that the 1st petitioner has no love and affection towards the 2nd petitioner to lead marital life, that the 2nd petitioner is also having dislike towards the 1st petitioner, that in view of the facts and circumstances, the petitioners perceptions and opinions lead the petitioners unhappy to live together and hence the 1st petitioner left the 2nd petitioner and went to native place in the month of May, 2021, that the petitioners have no children, that due to the petitioners dislike, differences in opinions and perceptions the petitioners are unable to lead peaceful life and maintain cordial relationship, that in the month of September & October, 2021 the elders namely Sakiri Koteswara Rao, Dande Ravikumar, Sadu Prasad and some others conducted mediation at Saduvaripalem Village and tried to amalgamate to live and convince the petitioners several times but the petitioners bluntly refused to live together and expressed own dislike, that the elders advised the petitioners to file this petition mutually, that the 2nd petitioner gave up own right to the past, present and future maintenance against the 1st petitioner, that the petitioners as well as own family members agreed and undertakes to restrain the petitioners from interfering with the life of each other. Ex.A.1 is Wedding Card & Ex.A.2 is Marriage Photo with CD. Even after expiry of

statutory period, both parties expressed their willingness to live separately by taking divorce. There are no chances for reunion. As none were shown as respondent, there is no denial to the petitioners contention. Under these circumstances, this court is of the opinion that the petitioners proved that they are entitled to seek dissolution of their marriage which took place on 28.10.2020. Accordingly, this point is answered.

9. In the result, the petition is allowed without costs and the marriage between the petitioners No.1 and 2, which took place on 28.10.2020, is hereby dissolved by way of mutual consent.

Typed to my dictation, corrected and pronounced by me in open court, this the 13th day of June, 2023.

**Senior Civil Judge,
Kandukur.**

// APPENDIX OF EVIDENCE //
-: WITNESSES EXAMINED :-

For Petitioners

P.W.1/T.Srikanth.
P.W.2/N.Manisha.
P.W.3/N.Venkateswarlu.
P.W.4/T.Syamala.

// DOCUMENTS MARKED //

For Petitioners

Ex.A.1/Wedding Card.
Ex.A.2/Marriage Photos with CD.

S.C.J., Kandukur.

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..... Petitioners

V/s

None

..... Respondent

This is a petition filed by the petitioners/wife and husband U/s.13(B) of Hindu Marriage Act, 1955 to dissolve their marriage by way of mutual consent.

Petition presented on 10.10.2022 and filed on 12.10.2022

Cause of action: Cause of action arose on 28.10.2020 when the marriage between the petitioners took place and when disputes arose between the petitioners and the efforts made by the parents of petitioners for reunion proved futile within the jurisdiction of this court.

Valuation: A fixed court fee of Rs.10/- is paid under schedule II Article I(vii) of APCF & SV Act.

This petition is coming on 05.05.2023 before me for final hearing in the presence of **Sri T.Tirumala Rao**, Advocate for petitioners and none was shown as respondent and having stood over for consideration till this day, this court doth order and decretal order:

- i. That the petition is allowed without costs and the marriage between the petitioners No.1 and 2, which took place on 28.10.2020, is hereby dissolved by way of mutual consent; and
- ii. That each party do bear their own costs.

Given under my hand and seal of this court, this the 13th day of June, 2023.

**Senior Civil Judge,
Kandukur.**

**TABLE OF COSTS
NIL (CM & FC not filed)**

S.C.J., Kandukur.