

BEFORE THE JUDGE, FAMILY COURT-CUM-VI ADDITIONAL DISTRICT AND
SESSIONS JUDGE, NELLORE.
Monday, the 30th day of January, 2023

PRESENT: K. Venkata Naga Pavan,
Judge, Family Court-cum-
VI Addl. District and Sessions Judge, Nellore.

F.C.O.P. No.393 of 2022

Between:-

Anjuru Pratap Kumar

... Petitioner

AND

Anjuru Rajya Lakshmi
alias Renuka

... Respondent

This petition came up for final hearing before me on 23.01.2023 in the presence of Sri P.V. Siva Prasad, Advocate for the Petitioner and that the respondent was set exparte, and the matter having stood over for consideration till this day, this Court made the following:-

ORDER

1. This petition is filed at the instance of the husband seeking dissolution of his marriage with the respondent on the grounds of cruelty and desertion under the provisions of Hindu Marriage Act.

2. The petitioner submits as follows: His marriage with the respondent was solemnized on 14.12.2018 at Nellore as per Hindu rites and customs and in the presence of elders. His marriage was consummated, but they do not have children. She did not allow him to have sexual intercourse with her on the 1st night on the pretext of stomach pain. The other two days also she tried to avoid saying the same reason. Immediately his wife went to her parental house at Tirupathi along with her brother and has been residing there without coming back to his house. In spite of his requests, she did not return. With great difficulty, she came to his house once. She could not stay in his house. She threatened with suicide. She is a chronic patient of diabetes with tension and thyroid. Doctor advised her to a psychologist. Before the Psychologist, it has come to light that the respondent hears some voices, experiences that someone is shooting her and attempting to kill her. All these psychological problems were suppressed by the family members of the respondent and the marriage was performed by playing fraud on him. The family members of the respondent insulted him before others and threatened him with dire consequences. His wife went to Tirupathi. He also went to Tirupathi on 03.02.2019 to bring her back. There

her brother abused him and necked him out. His wife is not interested in family life. His wife suffers from psychological problem. His wife left him without any reasonable cause. He got issued a notice on 27.02.2019 and he received a reply notice on 16.03.2019. They have been living separately from 26.02.2019. Hence, he filed this petition.

3. The respondent remained exparte.

4. The point for determination is, "Whether the petitioner is entitled to a decree of divorce?"

5. On behalf of the petitioner, PW.1 was examined. Exs.A.1 to A.7 were marked.

6. Heard and perused the record.

POINT: -

7. The petitioner filed his chief examination affidavit reiterating the allegations of his petition. He was examined as PW.1. The evidence of the petitioner remained unchallenged. Exs.A.1 and A.2 substantiate the factum of marriage. Ex.A.3 is the legal notice. The contents of Ex.A.3 and the contents of the present petition are one and the same. Ex.A.4 is the reply notice, wherein the respondent denied all the allegations. Ex.A.5 is the prescription given by Dr. M. Sudhakar Rao, a Consultant Neurologist, whom the respondent consulted. It was dated 11.07.2019. In the evidence of PW.1, he deposed that on 26.02.2019 the respondent informed to the elders by phone that she was not at all interested in family life and if her husband was interested, he could come and live with her as per her dictation. Except this statement, there is no date mentioned by the petitioner to prove the date of desertion. As per Ex.A.5, the respondent consulted the Neurologist in July, 2019. The petitioner has got a copy of this prescription, which he filed before this Court. The inference that can be drawn is that, they were having access to each other on the said date. The petitioner failed to prove the date of desertion and 2 years continuous desertion as on the date of filing this petition. Therefore, this Court is not inclined to grant divorce on the ground of desertion.

8. As per Ex.A.5, the history of the respondent was found to be a sleep disturbance. As per Ex.A.6, she was shown to be having Hypothyroid. Ex.A.6 is dated 23.09.2019. Ex.A.6 was given by Dr. Subhani Shaik, a Neuro

Psychiatrist at Nellore Hospital. The respondent consulted this doctor at the instance of her husband. From this also, it can be understood that they were living together on the date of consulting this doctor on 23.09.2019. Therefore, the pleading as to the date of desertion mentioned by the petitioner in his petition is found to be false. Ex.A.7 is the copy of medical prescription issued by a hospital, wherein a patient was shown to be suffering from Hallucinations and dilutions. From Ex.A.7, it is not proved that it belongs to the respondent. But, this Court, from the undisputed averments of the evidence affidavit of PW.1, arrives at a conclusion that the respondent subjected the petitioner to cruelty. She left her husband without reasonable cause. She refused to lead marital life with her husband. She threatened the petitioner with suicide. The respondent and her family members threatened the petitioner with implication in false cases. Not disclosing the physical and mental disorders prior to the marriage, certainly causes a lot of mental agony to the other spouse. In this case, the petitioner has been subjected to a lot of mental agony due to the mental disorder of the respondent. The respondent and her family members abused the petitioner in filthy language and insulted him before others. It is no longer safe for him to live with the respondent. Therefore, the petitioner is found entitled to a decree of divorce.

9. In the result, the petition is allowed, dissolving the marriage of the petitioner with the respondent held on 14.12.2018, by granting a decree of divorce to the petitioner on the ground of cruelty.

Dictated to the Stenographer, transcribed by him, corrected and pronounced by me in open Court, this the 30th day of January, 2023.

Sd/ K.V.N. Pavan

Judge, Family Court-cum- VI Addl.
District and Sessions Judge, Nellore.

APPENDIX OF EVIDENCE
Witnesses examined

For Petitioner:

PW1: Anjuru Pratap Kumar.

For Respondent: NONE.

Documents marked

For Petitioner:

Ex.A1: Wedding Card.

Ex.A2: Marriage photo.

Ex.A3: Office copy of legal notice, dt.27.02.2019 along with postal receipt.

Ex.A4: Reply notice, dated 16.03.2019.

Ex.A5: Medical Certificate issued by Dr. Sudhakar Rao, Tirupathi.

Ex.A6: Copy of Medical Certificate issued by Dr. Subhani Shaik.

Ex.A7: Copy of medical certificate issued by Chettinad Hospital, Chennai.

For Respondent: NIL

Sd/ K.V.N. Pavan
**Judge, Family Court-
cum-VI ADJ, Nlr.**

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