

**IN THE COURT OF THE CIVIL JUDGE (SENIOR DIVISION) ::  
NARASAPURAM**

Present: Sri Y.Srinivasa Rao

Civil Judge (Senior Division), Narasapuram

Wednesday, this the 28<sup>th</sup> day of February 2024

H.M.O.P.No.83 / 2023

Between :

1. Kakarapalli Sai Chaitanya
2. Kakarapalli (Pilli) Sravya Sri ... Petitioners.

And

Nil. ... Respondent.

This H.M.O.P is coming before me in the presence of R.Pullaji, Advocate for the petitioners and having stood over for consideration, this Court made the following :

**ORDER**

1. This is an H.M.O.P. filed by the petitioners 1 and 2 under Section 13-B of Hindu Marriage Act, 1955 to pass a decree of divorce by mutual consent dissolving the marriage of the petitioners solemnized on 04.06.2021.
2. The averments of the petition in brief are that the petitioners are husband and wife and their marriage was performed on 04.06.2021 at the house of the parent's of the petitioner in D.No.4-65, Lakshmaneswaram village, Narsapuram Mandal, West Godavari District as per Hindu law, rites, caste custom and the same was duly consummated and no issues to them. After marriage some

psychological differences cropped up between the petitioners and they started living separately in view of their serious differences. Both the petitioners raised a dispute before elders of both the petitioners and decided to separate on mutual consent by exchange the belongings one to another. As per the agreement by both the petitioners the 1<sup>st</sup> petitioner has to pay sum of Rs.9,00,000/- towards marriage expenses and permanent alimony to the 2<sup>nd</sup> petitioner. The 1<sup>st</sup> petitioner paid a sum of Rs.4,50,000/- only byway of Kotak Mahindra Bank, Sarpavaram Branch, D.D. bearing No.432477 dated 27.4.2023 to the 2<sup>nd</sup> petitioner at the time of filing of this petition and the remaining balance of Rs.4,50,000/- to be paid at the time of granting divorce. Since more than one and half year i.e., from 15.10.2021 both the petitioners have been living separately. All the reconciliations efforts by family members and elders failed and there is no chance to reconciliation between the petitioners. Hence, they decided to obtain divorce by mutual consent to lead the rest of life in a peaceful manner. Hence, the Petition.

3. Both parties are present. Counseling was held.

4. The point for consideration is:

Whether the petitioners are entitled for decree of divorce by mutual consent dissolving the marriage of the petitioners?

5. To prove their case, the petitioners 1 and 2 examined themselves as P.Ws.1 and 2 respectively and got marked Exs.A-1 and A-2.

6. Heard the learned counsel for petitioners. Perused the material record.

**P O I N T :**

7. Petitioners 1 and 2 filed their chief-examination affidavits as P.Ws.1 and 2 respectively and Exs.A-1 and A-2 are marked through P.W.1. P.Ws.1 and 2 reinstated the petition averments in their chief-examination affidavits filed in lieu of chief-examination. As per the averments of petition and the evidence of P.Ws.1 and 2, the 1<sup>st</sup> petitioner and 2<sup>nd</sup> petitioner have mutually agreed and decided that there is no point for continuance of marital relationship and have further agreed upon the dissolution of the marriage tie by a decree of divorce. As per the agreement by both the petitioners the 1<sup>st</sup> petitioner has to pay sum of Rs.9,00,000/- towards marriage expenses and permanent alimony to the 2<sup>nd</sup> petitioner. The 1<sup>st</sup> petitioner paid a sum of Rs.4,50,000/- only byway of Kotak mahindra Bank, Sarpavaram Branch, D.D. bearing No.432477 dated 27.4.2023 to the 2<sup>nd</sup> petitioner at the time of filing of this petition and the remaining balance of Rs.4,50,000/- to be paid at the time of granting divorce. Coming to the documentary evidence Ex.A-1 is the Wedding card of the 1<sup>st</sup> petitioner and 2<sup>nd</sup> petitioner. Ex.A-2 is marriage photographs of 1<sup>st</sup> petitioner and 2<sup>nd</sup> petitioner. From the averments of petition and evidence of P.Ws.1 and 2 and Exs.A-1 and A-2 it is obvious that the petitioners 1 and 2 filed this petition with mutual consent and out of their own will and accord.

8. Thus, in the facts and circumstances of the case, in the light of the evidence let in and for the foregoing reasons, it is held that the petitioners are entitled for decree of divorce by the mutual consent dissolving the marriage of the petitioners from the date of decree. Hence, this point is answered accordingly.

9. In the result, the H.M.O.P. is allowed without costs by granting decree of divorce by mutual consent under Section 13-B of Hindu Marriage Act dissolving the marriage of the petitioners 1 and 2 solemnized on 04.06.2021.

Typed to dictation by the Stenographer Gr.II, on computer directly, corrected and pronounced by me in the open Court, on this the 28<sup>th</sup> day of February 2024.

Civil Judge (Senior Division),  
Narasapuram.

APPENDIX OF EVIDENCE  
WITNESSES EXAMINED

FOR PETITIONERS :

FOR RESPONDENT :

P.W.1: K.Sai Chaitanya

None.

P.W.2: Kakarapalli (Pilli) Sravya Sri.

DOCUMENTS MARKED

FOR PETITIONERS :

Ex.A1 is the Wedding card of 1<sup>st</sup> petitioner and 2<sup>nd</sup> petitioner.

Ex.A2 is the Marriage photographs of 1<sup>st</sup> petitioner and 2<sup>nd</sup> petitioner  
(Two in number).

FOR RESPONDENT: Nil.

CJ.,(S.D.)NSP.,