

IN THE COURT OF THE FAMILY COURT CUM IX ADDITIONAL DISTRICT
AND SESSIONS COURT: EAST GODAVARI; RAJAMAHENDRAVARAM.

Present: Smt. G.Malathi, Judge,
Family Court-cum- IX Additional District and Sessions Court,
Rajamahendravaram.

Wednesday, the 15th day of November, 2017.

F.C.O.P.No.175 /2017

Between:

Kotcherla Mahalakshmi, W/o.Varaprasad, Hindu, aged 29, D/o.(late)
Mudapaka Ramakrishna, D.No.42-8-14, Rambhavari street, Kothapeta,
Rajahmudhry

....Petitioner

AND

Kotcherla Varaprasad, S/o.(late) Nookaraju, Hindu, aged 40 years, Door
No.4-2-88A, Church Street, Madapuram Road, Pithapuram

....Respondent

This petition coming up before me on 09.11.2017, for final hearing in the presence of Sri G.U.V.B. Raju, advocate for the petitioner and the respondent remained set exparte, and the matter having stood over for consideration till this day, this court delivered the following:

O R D E R

This is a petition filed by the petitioner-wife under Section 13(1)(ib) of Hindu Marriage Act against the respondent-husband for dissolution of their marriage dated 17.02.2004 by way of decree of divorce.

2. The brief case of the petitioners is that, the marriage between the petitioner and respondent was performed on 17.02.2004 at Devi Kalyana Mandapam, Rajahmundry, as per Hindu rites and caste customs, by giving Rs.2,00,000/- cash, 25 sovereigns of gold and 80 Tulas of silver towards dowry to the respondent. Immediately the marriage was consummated. Out of their wedlock, the petitioner and respondent blessed with a son by name Nithin Two months after the marriage, the petitioner joined the respondent and lived together till 2008. Later due to little misunderstandings, there were exchange of notices and the petitioner restored the marital life again in 2009 in a separate residence at Pithapuram. Yet there was no progress on either side, despite advice of the elders and there was no compatibility and both could not adjust each other on trivial reasons. Ultimately, since 18.10.2014 while the petitioner was suffering from severe fever, respondent sent her away to her parents place for treatment with her wearing apparels and did not

allow her to come back, despite her requests. Little later, the respondent has informed the petitioner that the rented house was vacated and declared that if the petitioner steps into marital home, he would commit suicide and that marriage is broken for all purposes. Ever since, both are living separately. So, petitioner has decided to put an end to the marital tie in view of the desertion of more than two years between them and she has further decided to accept the permanent alimony of Rs.5,00,000/- offered by the respondent and she also withdrawn the M.C.48/2015 on the file of this Court. Hence the petition.

3. Having received summons through Court as well as Registered Post, the respondent did not choose to contest the matter and he remained set exparte.

4. To prove the case, the petitioner examined herself as PW.1 and got marked Exs.P1 to P3.

5. Heard the petitioner.

6. Now the point for consideration is whether the petitioner-wife is entitled for decree of divorce against the respondent-husband, under Sec.13(1)(ib) of Hindu Marriage Act?

POINT:

7. To prove the case, the petitioner examined herself as PW.1. In the affidavit filed in lieu of examination in chief, the petitioner reiterated all the averments mentioned in the petition and got marked Ex.P1 Wedding card, Ex.P2 attested copy of Aadhar Card of petitioner and Ex.P3 Marriage photograph.

8. There is nothing on record to disbelieve the contents in the evidence affidavit of PW.1 and Exs.P1 to P3, as the chief affidavit filed by the PW.1 remained unchallenged and unrebutted. The evidence adduced by the petitioner clearly established that, the respondent-husband harassed and deserted the petitioner-wife without any just reason since 18.10.2014. Therefore, the petitioner-wife is entitled to decree of divorce dissolving their marriage dated 17.02.2004. Accordingly the point is answered.

9. In the result, the petition is allowed. The marriage dated 17.02.2004 between the petitioner and respondent is hereby dissolved by way of granting divorce. No costs.

Typed to my dictation by the stenographer, corrected and pronounced by me in the open court, this the 15th day of November, 2017.

JUDGE
Family Court cum IX Addl.
District Court, Rajamahendravaram.

APPENDIX OF EVIDENCE
WITNESSES EXAMINED

For petitioner:
PW.1: Kotcherla Mahalakshmi

For respondent: None

DOCUMENTS MARKED

For petitioner:
Ex.P1 Wedding card
Ex.P2 attested copy of Aadhar Card of petitioner
Ex.P3 Marriage photograph.

For respondent: Nil.

JUDGE.

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....Respondent

This is a petition filed by the petitioner-wife under Section 13(1)(ib) of Hindu Marriage Act against the respondent-husband for dissolution of their marriage dated 17.02.2004 by way of decree of divorce.

A Court Fee of Rs.10/- is paid as per APCF & SV Act.

Cause of action for the petition arose on 17.02.2004 when the marriage between the petitioner and respondent was performed at Devi Kalyana Mandapam, Rajahmundry etc. and subsequently when the respondent-husband started harassing the petitioner-wife both physical and mentally and at Rajahmundry where the petitioner is residing within the jurisdiction of this Hon'ble Court.

This petition coming up before me on 09.11.2017, for final hearing in the presence of Sri G.U.V.B. Raju, advocate for the petitioner and the respondent remained set exparte, and the matter having stood over for consideration till this day, this court doth order and decree as follows;

(1)that the marriage dated 17.02.2004 between the petitioner and respondent be and is hereby dissolved by way of granting divorce,

(2)that there be no costs.

Given under my hand and the seal of this court, this the 15th day of November, 2017.

JUDGE
Family Court cum IX Addl.
District Court, Rajamahendravaram.

No memo of costs is filed on either side.

JUDGE.