



Date of presentation : 19.12.2025

Date of filed on : 02.01.2026

Date of disposal : 31.03.2026

**IN THE COURT OF THE CIVIL JUDGE [SENIOR DIVISION],
PITHAPURAM.**

PRESENT: Sri Dr.M.Babu,
Civil Judge [Senior Division], Pithapuram.

Tuesday this the 31st day of March, 2026

H.M.O.P. No. 01/2026

Between:

Andra Surya Durga @ Balla Surya Durga, W/o Andra Premu Nageswararao, D/o Balla Varahalarao @ Varahalu, House wife, Aged 26 Years, D.No. 15-83, Brundavanam, Payakarao peta, and mandal

... PETITIONER.

And

Andra Premu Nageswararao, S/o Varahalu, Hindu, Age 37 Years, D.No. 2-239/2, Sivalayam Gudi Veedhi, Rowthulapudi village and Mandal.

... RESPONDENT.

This Petition, coming on 30-03-2026 for hearing before me, in the presence of Sri.K.Uma Maheswara Rao, Learned Advocate for the Petitioner; and the Respondent is remained exparte; and upon hearing the Arguments on the side of the petitioner; and upon perusing the entire material available on record; and upon having been stood over for consideration till this day, this Court delivered the following:

ORDER

This is the Petition filed by the Petitioner, on the ground of “**Cruelty and Desertion**” under Section **13(1)(ia) &(ib)** of the Hindu Marriage Act, 1955, praying the court to grant of the Decree of Divorce to dissolve her marriage performed on **05.05.2018** with the respondent, and for such other reliefs as deems fit and necessary under the circumstances of the case.



I:: Contents of the Petition, in brief, are as follows:

- 1.** The petitioner and respondents are wife and husbands and their marriage was took place on **05.05.2018** as per Hindu rites and caste customs in respondent's house at Rowthulapudi village and Mandal. The petitioner submits that after marriage both the petitioner and respondent came to respondent's house at Rowthulapudi village of Rowthulapudi Mandal and lead marital life there for 2 years till 15.08.2020 due to the wedlock the petitioner and respondent not blessed any child.
- 2.** The petitioner further stated that at the time of their marriage the parents of the petitioner gave dowry of Rs. 1,00,000/- and also gifted to respondent a gold ring weight of 1 tula's to the respondent at the demand made by the respondent and his parents.
- 3.** The petitioner further stated that till 2020 both the petitioner and respondent lived happily without any disturbances in the conjugal life and from 2020 onwards the attitude of the respondent towards petitioner was slowly changed and he started neglecting the petition in all means and slowly started developing hate rate towards petitioner even without any fault or wrong on petitioner's side.
- 4.** The petitioner further stated that in spite of changed attitude of the respondent also the petitioner used to live with him with utmost patience. The respondent started harassing petitioner both physically and mentally and started demanding to bring additional amounts from her parents of petitioner. In the process of harassment in getting additional amount from the house of the parents of the petitioner once the respondent beat the petitioner in discriminately caused bleeding injuries. In spite of the physical torture made by the respondent against petitioner the petitioner used to live with respondent with a hope that the temperament and attitude of respondent is a temporary one and he will change himself. But day by day the respondent's attitude towards the petitioner became bad worst. The petitioner submits that the respondent



frequently says with the petitioner that **“I do not lead conjugal life with you because your body is burnt and he always insulting the petitioner about the same”**.

5. The petitioner further stated that in the month of July,2020 without any fault on the part of the petitioner the respondent beat the petitioner indiscriminately and necked out her from his house even without permitting her to take her belongings. Then the petitioner informed the fact to her parents. Then the parents of the petitioner took the petitioner to their house on the next day. After the incident several meditations were held though the persons who are interested in the both of them apart from family counsel ling the respondent to took the petitioner into matrimonial fold in spite of advice given by the elders. Thereafter the respondent lead conjugal life with the petitioner one month only. After one month again he started harassment towards the petitioner and there is no change in his behavior towards the petitioner. Then in the month of August,2020 as the petitioner unable to bare tortures made by the respondent, she went away to her parent's home.

6. The petitioner further stated that both the petitioner and respondent lived together until 15.08.2020. Thereafter, they lived separately due to the attitude of the respondent as stated in the above paras. Since more than five Years the petitioner and respondent are living separately and the respondent not come forward to lead marital life with the petitioner even though several mediations and requests made by the parents of the petitioner. The life of petitioner is spoiled in her young age due to the harassment and attitude of the respondent. During the period conjugal life lead with the respondent, the petitioner bear on both physical and mental harassment's made by the respondent at utmost patience. The petitioner submits that the petitioner is unable to bare tortures made by the respondent, now she takes decision for getting divorce even after awaited long period with a hope to change the attitude of respondent. Hence this petition for getting divorce on ground of cruelty and desertion.



7. There is no collusion in between the petitioner and respondent and they have not filed any application seeking dissolution of the marriage or for restitution of conjugal rights previously before any court.

8. It is further stated that the matter was placed before elders but the respondent did not come forward to take back her to his house. In the said circumstances as she lost hope on restoration of conjugal rights and also no interest to continue the same. Hence, she filed the present petition as the conduct of respondent amounts to “**Cruelty and desertion** “ **U/Sec.13[1] [ia] & [b]** of Hindu Marriage Act. Hence, the petition.

II. As service sent through court and by the postal service is duly served personally but, the respondent did not appeared remained absent on 24.03.2026 i.e., for hearing hence, service held as sufficient and the respondent is set ex-parte on 24.03.2026

III. During the course of ex-parte evidence, the petitioner herself examined as **PW.1.** and got marked **Exs.P1 to P3.** The petitioner counsel stated as no further evidence, accordingly, it was closed accordingly and proceeded to hear the arguments.

IV. Heard the counsel for the petitioner.

V. **Now, the points for consideration are :-**

1. Whether the Petitioner is able to place a probable evidence with respect to his allegations of “Cruelty” U/Sec.13[1](ia) & [b] of Hindu Marriage Act. 1955 made against the respondent to grant divorce on the said grounds and as prayed for?

2. Whether the petitioner is entitled to seek decree of divorce to dissolve the marriage with the respondent performed on 05.05.2018?

3. To what relief?

VI. **Points 1 to 3:**

1. The oral evidence of **Pw.1** read with **Ex.P1 to 3** clearly and categorically



proving the factum of relation between the Petitioner.

2. As could be seen from the evidence of Pw1 which is nothing but replica of the contents of the petitioner. The evidence of Pw1 further goes to show that their marriage was took place on **05.05.2018** as per Hindu rites and caste customs in respondent's house at Rowthulapudi village and Mandal. The petitioner submits that after marriage both the petitioner and respondent came to respondent's house at Rowthulapudi village of Rowthulapudi Mandal and lead marital life there for 2 years till 15.08.2020 due to the wedlock the petitioner and respondent not blessed any child. The evidence of Pw1 further goes to show that at the time of their marriage the parents of the petitioner gave dowry of Rs. 1,00,000/- and also gifted to respondent a gold ring weight of 1 tula's to the respondent at the demand made by the respondent and his parents. The evidence of Pw1 further goes to show that The respondent started harassing petitioner both physically and mentally and started demanding to bring additional amounts from her parents of petitioner. In the process of harassment in getting additional amount from the house of the parents of the petitioner once the respondent beat the petitioner in discriminately caused bleeding injuries. In spite of the physical torture made by the respondent against petitioner the petitioner used to live with respondent with a hope that the temperament and attitude of respondent is a temporary one and he will change himself. But day by day the respondent's attitude towards the petitioner became bad worst.

3. In order to discard the said oral evidence and documentary evidence of PW.1. the respondent did not enter to appearance and did not choose to challenge his evidence. Hence, the said un-controverted evidence of PW.1 and the other circumstances in the case clearly and categorically shows that the respondent has no interest to lead the conjugal life with PW.1 and the said conduct of the respondent certainly amounts to **"Cruelty and desertion"**



4. In the result, the Petition is allowed. Accordingly, the marriage performed between petitioner and respondent on **05.05.2018** is hereby dissolved by way of decree of divorce on the ground of “**Cruelty and Desertion**” under Sections’ **13(1)(ia) &(ib)** of Hindu Marriage Act, 1955.

Prepare Decree accordingly.

Typed to my dictation by the Stenographer, corrected and pronounced by me in the open Court, on this the 31th day of March, 2026.

**CIVIL JUDGE [SENIOR DIVISION],
PITHAPURAM.**

APPENDIX OF EVIDENCE

WITNESSES EXAMINED ON BEHALF OF THE PETITIONER

P.W.1 Andra Surya Durga @ Balla Surya Durga

EXHIBITS MARKED ON BEHALF OF THE PETITIONER

Ex.P1: Wedding card.
Ex.P2: Wedding photographs with CD.
Ex.P3: Certified issued by the Gazetted Officer.

WITNESSES EXAMINED ON BEHALF OF THE RESPONDENT

None.

EXHIBITS MARKED ON BEHALF OF THE RESPONDENT

Nil.

**CIVIL JUDGE [SENIOR DIVISION],
PITHAPURAM.**

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