

IN THE COURT OF THE SENIOR CIVIL JUDGE :: NARSAPURAM

Present : **Sri P.Kesavacharyulu,**
Senior Civil Judge, Narsapuram.

Monday, this the 1st day of August, 2016.

H.M.O.P.No.14/2016

Between:

Kompella Prasanthi

.....Petitioner

and

Kompella Sri Kanth Kumar

.....Respondent

This petition is coming on 22.07.2016 for final hearing before me in the presence of Sri P.Ranga Rau and Sri D.Subrahmanyam, Advocates for the petitioner, the respondent having remained *ex parte* and having stood over for consideration, this court made the following:

ORDER

1. This is a petition by the wife for divorce under Sections 13(1)(ia) and (ib) of the Hindu Marriage Act.

2. The case of the petitioner is that her marriage with the respondent was solemnized on 03.08.2012 as per Hindu rites. After the petitioner joined the respondent, respondent abused her stating that the petitioner is black in complexion. He harassed her both mentally and physically and treated her cruelly and demanded her to bring additional dowry of Rs.2,00,000/- with a threat that in the event of failure he would marry another girl with handsome dowry. On 01.02.2013 the respondent and his family members necked out the petitioner from his house. Therefore, she reached her parents house. Since 01.02.2013 she has been living separately as the respondent deserted her voluntarily. Hence, the petition for divorce.

3. Respondent was served with notice, but he remained *ex parte*. Petitioner examined herself as P.W.1 and marked Exs.A1 to A3. She examined her father as P.W.2. Heard learned counsel for the petitioner who submitted that divorce may be granted to the petitioner in view of the evidence of P.Ws.1 and 2.

4. Now the point for consideration is, whether divorce has to be granted to the petitioner or not?

POINT:

5. Petitioner is P.W.1. She deposed that her marriage with the respondent took place on 03.08.2012 as per Hindu rites. She filed Ex.A1 which is the marriage photo and Ex.A2 which is wedding card and Ex.A3 which is the marriage certificate. P.W.2 who is father of petitioner also deposed that the marriage of the petitioner took place with the respondent on 03.08.2012 as per Hindu rites. Hence, it can be said that the petitioner is the legally wedded wife of the respondent.

6. Petitioner in her evidence as P.W.1 deposed that the respondent and his family members demanded additional dowry of Rs.2,00,000/-, that the respondent abused her stating that she is in black complexion, that he harassed her both mentally and physically and treated her cruelly to bring additional dowry of Rs.2,00,000/- with a threat that if the additional dowry was not paid, he would marry another girl with handsome dowry. She further stated that on 01.02.2013, the respondent and his family members necked her out of the house and hence she reached her parents house, that the respondent deserted her voluntarily and therefore she is living separately from 01.02.2013.

7. P.W.2 who is the father of the petitioner also deposed that the respondent and his family members demanded the petitioner to bring additional dowry of Rs.2,00,000/-, that the petitioner informed to him that the respondent and his family members harassed her in so many ways and respondent never led marital life with the petitioner, that the petitioner told him that on the nuptial ceremony he did not move with the petitioner and the marriage was not consummated. It is his further evidence that on 01.02.2013, the respondent and his family members necked the petitioner out of the house. P.W.1 also deposed that there is no conjugal relation between her and the respondent.

8. The evidence of P.Ws.1 and 2 has remained unchallenged as the respondent has remained *ex parte*. The evidence of P.Ws.1 and 2 proves that the acts committed by the respondent as deposed by P.Ws.1 and 2 amount to cruelty to the petitioner by the respondent and the respondent deserted the petitioner from 01.02.2013 voluntarily. Therefore, it can be said that divorce has to be granted to the petitioner on the grounds of cruelty and desertion. The point is accordingly answered.

9. **In the result**, the petition is allowed *ex parte* by granting decree of divorce on the grounds of cruelty and desertion to the petitioner by the respondent, dissolving the marriage between the parties. No costs.

Dictated to the Stenographer Grade-II, transcribed by him, corrected and pronounced by me on this the 1st day of August, 2016.

Senior Civil Judge,
Narsapuram.

APPENDIX OF EVIDENCE WITNESS EXAMINED

FOR THE PETITIONER:

FOR THE RESPONDENT

P.W.1 : K.Prasanthi

-None-

P.W.2 : T.Venkata Rama Lingeswara Rao

DOCUMENTS MARKED

FOR THE PETITIONER:

Ex.A.1/ - /Marriage photos

Ex.A.2/ - /Wedding card

Ex.A3 /21.08.2012/Marriage certificate issued by Repakavari
Chowltry

FOR THE RESPONDENT:

SCJ, NSP