

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

FRIDAY, THE TWENTY FOURTH DAY OF APRIL

TWO THOUSAND AND TWENTY SIX

:PRESENT:

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI

AND

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

CIVIL MISCELLANEOUS APPEAL NO: 133 OF 2026



Between:

Vadaparathi (Mothukuri) Satya Sri @ Ruthu, W/o. Sri Srinivas Age 39
Years, Occ Private Employee R/o. D.No. 17-15-25/19, Sanjeev Nagar,
Dairy Farm Apartments Kakinada - 533 001, Kakinada District

Appellant/Petitioner/Respondent

AND

Vadaparathi Srinivas, S/o. Sri Ramu R/o. D.No. 1-162, Ramannapeta
Komaripalem - 533 346, Biccavole Mandal East Godavari District

Respondent/Respondent/Petitioner

Petition under Order XLIII Rule 1 R/w Sec.151 C.P.C. is filed praying that in the circumstances stated in the grounds filed in support of the Civil Miscellaneous Appeal, the High Court may be pleased to call for the records relating to and in connection with the Order made in I.A.No.879 of 2024 in D.O.P.No.101 of 2023 on the file of the Court of the VI Additional District Judge, Kakinada, dated 20.01.2026 and set aside the same by allowing I.A.No.879 of 2024

The Appeal coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri N SIVA REDDY Advocate for the Petitioner, Sri K.P.S. SAILESH REDDY Advocate for the Respondent and the Court made the following.

ORDER:

On 13.03.2026, we passed the following order:

“The respondent – husband filed DOP under Section 10(1)(x) of Indian Divorce Act seeking divorce from the appellant-wife. In the said case she was set ex-parte on 07.08.2024 and thereafter the ex-parte decree of divorce was passed on 28.08.2024. She filed an application i.e., I.A.No.879 of 2024 under Order 9 Rule 13 and Section 151 CPC to set aside the exparte decree along with the application for condonation of delay i.e., I.A.No.878 of 2024.

2. The application for condonation of delay was allowed finding that the cause shown was sufficient by an order dated 20.01.2026.

3. However, I.A.No.879 of 2024 under Order 9 Rule 13 CPC has been rejected on the same date.

4. The cause set up in the application under Order 9 Rule 13 CPC was that the appellant-wife engaged a counsel who did not file the vakalat. Learned Trial Court found that the vakalat was filed and therefore, the cause stated in the affidavit was not correct. Consequently, the application was rejected.

5. Learned counsel for the appellant submits that even if the vakalat was filed but the counsel did not appear and so an order to proceed ex-parte was passed and finally the ex-parte decree was also passed. He submits that the appellant had no fault and once the Court found that she had engaged a counsel who had filed vakalat but did not appear, and the dispute being matrimonial adversely affected the status of the applicant, as wife and that too by an ex-parte, a lenient view had to be taken, to set aside the ex parte decree, particularly when the delay of 40 days, had been condoned.

6. The matter requires consideration.

7. Issue notice to the respondent.

8. In addition to the normal mode of service, the appellant is permitted to take out personal notice to the respondent by

registered post and acknowledgment due and file proof of service in the Registry before the next date of listing.

9. Post on 24.04.2026.

10. On the appearance of respondent, the Court will consider to refer the parties to mediation for an amicable resolution of the dispute."

2. Ms.Yamini Sahu, learned counsel appears for the respondent/husband and submits that the respondent is ready and willing for amicable resolution of the dispute through the process of mediation.
3. Learned counsel for the appellant/wife also submits the same.
4. Accordingly, the parties shall appear before the mediation and conciliation centre of this Court on 06.05.2026, which would be the first date. The subsequent dates for sessions shall be fixed by the mediation centre. The mediation centre through its mediators shall make endeavour to complete the proceedings within a period of three months from the date of first appearance of the parties, and submit the report to this Court.
5. Let the copy of this order be sent to the mediation centre of this Court with the particulars of this case.
6. Since the parties are being referred to the mediation, considering the submissions advanced as also the consequences vide from the divorce decree, we stay operation of the decree of divorce and the parties shall not remarry, till the next date of listing.
7. Post after the receipt of the report from the mediation centre.

//TRUE COPY//

SD/- U.SRIDEVI
DEPUTY REGISTRAR
SECTION OFFICER

To,

1. The Secretary, High Court Legal Services Committee, High Court of A.P. at Amaravati.
2. The VI Additional District Judge, Kakinada.
3. Vadaparthi Srinivas, S/o. Sri Ramu R/o. D.No. 1-162, Ramannapeta Komaripalem - 533 346, Biccavole Mandal East Godavari District (by **SPEED POST/FOR APPEARANCE**)
4. Vadaparthi (Mothukuri) Satya Sri @ Ruthu, W/o. Sri Srinivas Age 39 Years, Occ Private Employee R/o. D.No. 17-15-25/19, Sanjeev Nagar, Dairy Farm Apartments Kakinada - 533 001, Kakinada District (by **SPEED POST/FOR APPEARANCE**)
5. One CC to SRI. N SIVA REDDY Advocate [OPUC]
6. One CC to SRI. K.P.S. SAILESH REDDY Advocate [OPUC]
7. One CC to Ms.Yamini Sahu, Advocate [OPUC]
8. Two spare copies

HIGH COURT

**RNT,J&
BM,J**

DATED:24/04/2026

Post after the receipt of the report from the mediation centre.

ORDER

CMA.No.133 of 2026

FOR APPEARANCE

