

[3572]

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

THURSDAY, THE TWENTY THIRD 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: 232 OF 2026

Between:

Gubbala Sirisha, W/o. Gubbala Durga Naresh, Aged about 33 years.
House Wife, R/o.D.No.2-39, Revenue Colony, Cheediga, Kakinada
Rural Mandal, Kakinada - 533 005.

Appellant/Respondent

AND

Gubbala Durga Naresh, S/o Satyanarayana, Aged about 37 years,
Employee, R/o.D.No.70-5-37/1B, Ramanayyapeta, Kakinada Rural
Mandal, Kakinada - 533 005.

Respondent/Petitioner

Petition under Section 28 of the Hindu Marriage Act, 1955, is filed being aggrieved by the Decree and Order dated 08.01.2026 passed by the learned III Additional Civil Judge (Senior Division), Kakinada, in H.M.O.P No. 104 of 2022, allowed the restitution of conjugal rights petition directing the Appellant to join the Respondent within three months from the date of the order;

IA NO: 1 OF 2026

Petition under Section 151 CPC., is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to allow the present Civil Miscellaneous Appeal and set aside the decree and order dated 08.01.2026, passed by the learned III

Additional Civil Judge (Senior Division), Kakinada, in H.M.O.P. No. 104 of 2022;

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri. NANI BABU ROBBA, Advocate for the Petitioner;

The Court made the following ORDER:

The appellant is the wife. The respondent/husband filed the petition for restitution of conjugal rights under Section 9 of Hindu Marriage Act. The same has been allowed. ✓

2. Issue notice to the respondent.
3. 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. ✓
4. I.A.No.1 of 2026 has been filed, which in substance for stay of the order; but, the prayer is framed as one to allow the C.M.A. finally. ✓
5. Learned counsel appearing for the appellant, however, confines the request to grant of stay of operation of the impugned order. ✓
6. The execution of decree under challenge shall remain stayed but the parties would be at liberty to comply with the decree, till the next date of listing. ✓
7. List after Summer Vacation, 2026. ✓
8. On the appearance of respondent, the Court will consider to refer the parties to mediation. ✓

//TRUE COPY//

SD/- K. KASIRAO ACHARI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The III Additional Civil Judge (Senior Division), Kakinada.
2. Gubbala Sirisha, W/o. Gubbala Durga Naresh, Aged about 33 years.
House Wife, R/o.D.No.2-39, Revenue Colony, Cheediga, Kakinada
Rural Mandal, Kakinada - 533 005.
3. Gubbala Durga Naresh, S/o Satyanarayana, Aged about 37 years,
Employee, R/o.D.No.70-5-37/1B, Ramanayyapeta, Kakinada Rural
Mandal, Kakinada - 533 005. (Addressee Nos. 2 & 3 BY RPAD)
4. One CC to Sri. NANI BABU ROBBA, Advocate [OPUC]
5. **Two Spare Copies**

JSS

HIGH COURT

RNT, J
&
BM, J

DATED:23/04/2026

LIST AFTER SUMMER VACATION, 2026.

ORDER

CMA.No.232 of 2026

STAY

