

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

WEDNESDAY, THE TWENTY THIRD DAY OF OCTOBER,

TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE SRI JUSTICE GANNAMANENI RAMAKRISHNA PRASAD

CIVIL REVISION PETITION NO: 1990 OF 2024

Between:

Kuruguntal Surendra Babu, S/o late Subbarayadu, Aged about 32 years, Hindu, Occ Advocate, R/o D.No. 6/969, Narayanadri Nagar, Rajampet (Town and Mandal), Annamaiah (District) - 516115

...Petitioner/ Petitioner

AND

Yallanki Swarna Latha @ Kuruguntla Swarna Latha, W/o K.Surendra Latha, D/o . Yallanki Kondaiah , Aged about 29 years,Hindu, Occ. Private T R/o. Ramapura (Village) and post Duvvur (Mandal), Cuddapah (Present YSR District)- 516175

...Respondent/ Respondent

Petition under Article 227 of the Constitution of India praying that in the circumstances stated in the grounds filed herein, the High Court may be pleased to allow this revision petition by setting aside the Order dt. 02-07-2024 passed in IA.No.154 of 2023 in HMOP.No.36 of 2020 on the file of the learned Principle Civil Judge, (Senior Division) Rajampet, and Kadapa District Vijayawada;

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant stay of all further proceedings pursuant to the order dated 02-07-2024 passed in in IA.No.154 of 2023 in HMOP.No.36 of 2020 on the the of the learned Principle Civil Judge, (Senior Division) Rajampet, and Kadapa



District, Pending disposal of CRP.No.1990 of 2024, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the grounds filed in support thereof and the order of the High Court order dated 11.09.2024 & 15.10.2024 made herein and upon hearing the arguments of Sri Giri Babu Marthi, Advocate for the Petitioner and of Sri K.V.Aditya Chowdary, Advocate for Respondent, the Court made the following.

ORDER:

“Heard the learned Counsel appearing on behalf of Sri Giri Babu Marthi, learned Counsel for the Revision Petitioner and Sri CH. Madhava Raman, learned Counsel appearing on behalf of Sri K.V. Aditya Chowdary, learned Counsel for the Respondent.

2. It transpires from the record that the parties in this case are both young and have a child who is aged about seven years. Although several proceedings are going on between them, this Court is of the view that the parties should be subjected to Mediation to explore the possibilities of amicable settlement.

3. In this view of the matter, both the parties are directed to approach the Mediation Centre of the High Court. The Mediation Centre of the High Court is directed to mediate between the parties and submit a Report in a sealed cover within three weeks from today.

4. Registry is directed to furnish a copy of this Order along with the copy of this C.R.P to the Mediation Centre within one week from today.

5. List the matter on 25.11.2024.”

//TRUE COPY//

For A

Sd/- K. J. RAJA BABU
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principle Civil Judge, (Senior Division) Rajampet, and Kadapa District

2. The Mediation Center, High Court of AP, Amaravati (along with the copy ✓
of this CRP)
3. Kuruguntal Surendra Babu, S/o late Subbarayadu, R/o D.No. 6/969,
Narayanadri Nagar, Rajampet (Town and Mandal), Annamaiah (District)
- 516115
4. Yallanki Swarna Latha @ Kuruguntla Swarna Latha, W/o K.Surendra
Latha, D/o . Yallanki Kondaiah, T R/o. Ramapura (Village) and post
Duvvur (Mandal), Cuddapah (Present YSR District)- 516175
(Addressee Nos.2 & 3 by **Speed Post**) ✓
5. One CC to Sri. Giri Babu Marthi, Advocate [OPUC] ✓
6. One CC to Sri. K.V.Aditya Chowdary, Advocate [OPUC] ✓
7. The Section Officer, CRP Section, High Court of AP ✓
8. One spare copy

MM

HIGH COURT

GRKP,J

DATED: 23/10/2024

LIST THE MATTE RON 25.11.2024

ORDER

CRP.No.1990 of 2024

DIRECTION



MEMORANDUM OF CIVIL REVISION PETITION
(Under Article 227 of Constitution of India)

IN THE COURT OF THE PRINCIPAL CIVIL JUDGE (Senior Division)
RAJAMPET

IA.No. 154 of 2023
IN
H.M.O.P No. 36 of 2020

IN THE HIGH COURT OF ANDHRA PRADESH
AT: AMARAVATHI

CRP.No. 1990 of 2024

Between:-

Kuruguntal Surendra Babu, S/o late Subbarayadu, Aged about 32 years, Hindu, Occ:
Advocate, R/o: D.No: 6/969, Narayanadri Nagar, Rajampet (Town and Mandal),
Annamaiah (District) - 516115

..... Petitioner/Petitioner

AND.

Yallanki Swarna Latha @ Kuruguntla Swarna Latha , W/o K.Surendra Latha, D/o :
Yallanki Kondaiah , Aged about 29 years,Hindu, Occ: Private T R/o: Ramapura
(Village) and post Duvvur (Mandal), Cuddapah (Present YSR District)- 516175
Respondent/Respondent

The Address for Service of all Notices etc. on the above Named Petitioner is
that of his counsel **Mr. Giri Babu Marthi (16280)**, Advocate, # D.No.31-13-2,
Pothineni Vari Street, Machavaram, Vijayawada-520 004, and AP High Court
Advocates Association, High Court Buildings, Amaravathi, Guntur.

The above named Petitioner begs to present this Memorandum of Civil Revision
Petition before this Hon'ble Court aggrieved the Order Dt: 02-07-2024 passed in IA.
No. 154 of 2023 in H.M.O.P No. 36 of 2020 on the file of the Principal Civil judge
(Senior Division), Rajampet.

BRIEF FACTS OF THE CASE:

1. It is submitted that the petitioner herein filed the petition for dissolution of
mirage held between the petitioner and the respondent on 20-11-2016 U/S13

of the Hindu Marriage Act against his wife who is the respondent herein on the grounds of cruelty and desertion. The learned lower court served the notice to the respondent who is the respondent in the main HMOP.NO.36 of 2016 on the file of Principle Civil Judge (Senior division), Rajampet, Kadapa District. The respondent appeared and filed her counter, matter was posted to trail. On the side of the petitioner evidence is also closed after examining PW1 to PW3 after marking of documents as Exhibits. After closure of the evidence on the petitioner side the respondent herein examined as DW1 and other one DW2 are examined and documents are marked as B-Series and the matter was posted for hearing of arguments from November, 2023. While the matter stood thus at the fag end the respondent herein filed IA.NO.154 of 2023 on 05-12-2023 praying the lower court for granting maintenance and also for litigation expenses. In this connection it is submitted the respondent is highly qualified and she is a post graduate in organic Chemistry and completed D.Ed., she can apply for post of Junior Lecturer or B.Ed., Assistant if at all she attempted to get appointment it will be easy for to get job appointment on a heavy salary of at least Rs.50, 000/- per month. In this connection it is also submitted that she is working as a teacher in Narayana Educational Society, at Kadapa the said documents are herein filed which may be read as the part of the facts. In this connection it is submitted that the well-established principle of law is when the wife is qualified and is able to get an appointment, keeping quiet without even applying for job or doing job wives are not entitled for maintenance. It is also established in the above HMOP the respondent herein is working as teacher in Narayana institutions, Kadapa and is getting salary of Rs.15,000/- per month. In the above circumstances the learned lower court ought not to have sanctioned interim maintenance illegally is against the mandatory principles of law. Further it is submitted that during lawful wed lock a male child was born and the mother respondent herein left the child with the petitioner husband which show the cruelty mind of respondent for leaving a tender age

child. Thus it is submitted that the lower court's order is baseless and also against the mandatory principles of law. Hence this revision.

GROUNDS

- A. The order and the decretal order passed in I.A.154/2023 by the lower court is quite contrary to law, weight of evidence and probabilities of the case.
- B. When it is divorce OP attributing cruelty against wife and when there are sound evidence and grounds for allowing the petition by granting the divorce of marriage at the fag end i.e., after posting the matter for arguments the lower court ought to have dismissed this IA wherein belated one. Thus it is submitted that the orders of the lower court are illegal on its face.
- C. From a perusal of the order passed by the lower court it seems that this is based on a assets that is 3 storied building in the name of the petitioner and even though there is evidence produced how much income is deriving and even though the evidence is produced that the rents have been emerged for month for the maintenance of petitioner's mother and tender age male child who left by the respondent even though she is the natural mother as the petitioner's burden is also maintaining the mother thus it is submitted that the orders of the lower court are quite contrary to law.
- D. Even though petitioner produced documents that the respondent is highly qualified and who is working for Narayana Institutions, kadapa as a teacher and is drawing a salary of Rs.15, 000/- per month and whenever wife is able to maintain herself, the question of granting maintenance by lower court is quite illegal and baseless.

E. The intention of the lower court is very clear only to grant maintenance to the petitioner who is the respondent even though the main HMOP.No.36 of 2020 is very much final hearing and disposal of the petition and for passing final orders the passing of the orders in interlocutory applications is apparently Void -ab-Intio

For the grounds stated supra and for the grounds that are to be submitted at the time of hearing of this petition this petitioner therefore prays that this Hon'ble Court may be pleased to allow this revision petition by setting aside the Order dt. 02-07-2024 passed in IA.No.154 of 2024 in HMOP.No.36 of 2020 on the file of the learned Principle Civil Judge, (Senior Division) Rajampet, and Kadapa District Vijayawada and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Amaravathi
Dt: 21-08-2024

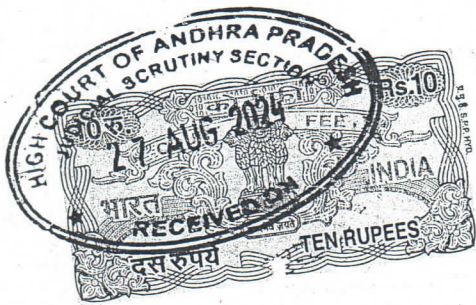
Counsel for the Petitioner

MEMO OF VALUATION

The value of the present CRP is more than Rs.1,000/- and court fee of Rs.10/- is paid.

Amaravathi
Dt:21-08-2024

Counsel for the Petitioner



DISTRICT:: KADAPA

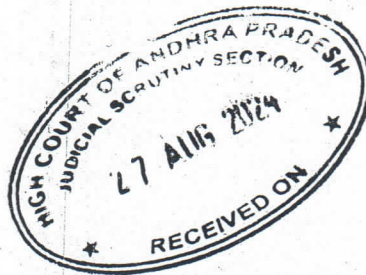
HIGH COURT: ANDHRA PRADESH

CRP.No. of 2024

29559/24

10/-
250/-

MEMORANDUM OF GROUNDS



Filed on:

Filed by:

Mr. Giri Babu Marthi (16280)
Advocate

Counsel for the Petitioner

YVN