



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3572]

**WEDNESDAY, THE SIXTH DAY OF MAY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

CIVIL MISCELLANEOUS APPEAL NO: 51/2024

Between:

- 1.DASARI ANUSWETHA @ SEELAM ANUSWETHA, W/O. RAVIKISHORE, D/O. DASARI PRASAD, HINDU, AGED ABOUT 36 YEARS, R/O.D.NO.11, KADAMBADI AMMAN KOVLI, 3RD STREET, VALASARAVAKKAM, TIRUVALLUR, ALWARTHIRUNAGAR, CHENNAI - 600087.
- 2.SEELAM RAVIKISHORE,, S/O.SEELAM YOGAIAH, HINDU, AGED 39 YEARS, NATIVE OF NAIDUPET TOWN, TIRUPATHI DISTRICT, PRESENTLY WORKING AT ANDOVER, MASSACHUSETTS,
- 3.UNITED STATES OF AMERICA,, REP. BY HIS GENERAL POWER OF ATTORNEY, SEELAM ADI LAKSHMAMMA, W/O. SEELAM YOGAIAH, AGED ABOUT 67 YEARS, RESIDENT OF D.NO.6-12-22B, SBI COLONY, PICHIREDDY THOPU, NAIDUPET, TIRUPATHI DISTRICT - 524126.

...APPELLANT(S)

AND

1. NIL, a

...RESPONDENT

Counsel for the Appellant(S):

- 1.C SUBODH

Counsel for the Respondent:

- 1.

The Court made the following:

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

CIVIL MISCELLANEOUS APPEAL NO: 51/2024

JUDGMENT:- *(per Hon'ble Sri Justice Ravi Nath Tilhari)*

Heard Sri C. Subodh, learned counsel appears for the appellants i.e., both husband and wife.

2. The appellants jointly presented the petition seeking divorce by mutual divorce under Section 13(b) of Hindu Marriage Act before the Court of the learned Principal Senior Civil Judge, Tirupati, which as numbered as H.M.O.P.No.164 of 2022.

3. On 01.09.2023, both the parties were absent, and an application was filed seeking adjournment.

4. The learned Court observed that the petition was presented on 29.09.2022 and the date of first adjournment is on 29.03.2023. Thereafter, from time to time the matter has been adjourned for appearance of the parties. Later on, as there was no ground to adjourn the matter, the learned Trial Court dismissed the H.M.O.P.No.164 of 2022 for default.

5. Challenging the said order, the present appeal has been jointly filed by the husband and wife.

6. Learned counsel for the appellants submits that, on several dates as mentioned in para No.2 of the grounds, the parties were present before the Court, but on one date or on few dates they could not appear, and sought

adjournment, the learned Trial Court ought not to have taken such a view and dismissed the petition for default.

7. We find force in the submissions advanced by the learned counsel for the appellants.

8. Considering the cause shown in the memo, as stated in paragraph No.3 of the grounds, is sufficient, we allow the present appeal, setting aside the order dismissing the petition for default and restore the H.M.O.P.No.161 of 2022 on the file of the learned Principal Senior Civil Judge, Tirupati.

9. The parties shall appear before the Court concerned within fifteen (15) days from the date of receipt of a copy of this order. Upon which, the learned Trial Court shall proceed to decide the H.M.O.P. in accordance with law and may also consider to waive the cooling period and considering the previous order pendency since long.

10. The Civil Miscellaneous Appeal is allowed.

11. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any pending, shall also stand closed.

RAVI NATH TILHARI,J

BALAJI MEDAMALLI,J

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THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

CIVIL MISCELLANEOUS APPEAL NO: 51/2024

Dated:06.05.2026
KNN