

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.6899 OF 2011

P. GOPIKRISHNA

Appellant(s)

VERSUS

P. YAMUNA

Respondent(s)

O R D E R

The petition filed for divorce by the appellant under Section 13 (1) (1a) on the ground of cruelty by the respondent wife was dismissed by the Family Court. the judgment of the Family Court was affirmed by the High Court. We are informed that the petition for Restitution of Conjugal Rights was filed by the wife which was allowed and has become final. The respondent has not entered appearance in spite of notice being served in the year 2009.

The learned counsel for the appellant submits that the respondent has been living separately since 1990. After a careful examination of the judgments of the Family Court and the High Court, we do not see any reason to interfere.

The submission made by the learned counsel for the appellant that a decree of divorce has to be granted in view of the irretrievable breakdown of

marriage cannot be accepted as, in law, we cannot grant such a decree on the said ground. The judgment of the High Court is affirmed and the appeal is dismissed. Pending application(s), if any, stand disposed of.

This shall not preclude the parties to settle the dispute amicably.

.....J.
[L.NAGESWARA RAO]

.....J.
[M.R.SHAH]

New Delhi;
11th April, 2019.

ITEM NO.103

COURT NO.13

SECTION XII-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s).6899/2011

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Date : 11-04-2019 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE M.R. SHAHFor Appellant(s) Mr. V.Sridhar Reddy, Adv.
Mr. V. N. Raghupathy, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E RThe appeal is dismissed in terms of the
signed order.(B.Parvathi)
Court Master(Kailash Chander)
Assistant Registrar

(Signed order is placed on the file)