

**IN THE COURT OF THE SENIOR CIVIL JUDGE: AT NUZVID**

Present: **Sri S.Damodara Rao,**  
Senior Civil Judge

FRIDAY, THIS THE 4TH DAY OF NOVEMBER, 2022

**HMOP.No.140/2022**

Between :

Pasupuleti Supriya @ Pitati Supriya @ Devi Supriya W/o  
Pasupuleti Naga Praveen, Hindu, 31 years, R/o D.No 1-59,  
Ganapeswaram village, Nagayalanka Mandal, Krishna district. ...Petitioner

And

Pasupuleti Naga Praveen, S/o Venkata Krishna Rao, Hindu,  
32 years, R/o D.No 15-183, SVS Nagar, Mylavaram village,  
& Mandal, Krishna district.

...Respondent

*This petition coming on 03-11-2022 for hearing before this Court in the presence of a, Advocates for petitioner, and Respondent in person and upon the matter having been stood over to this day for consideration, this Court made the following:*

**ORDER**

1. This petition is filed by the petitioner under section 13 (1) (ia)(1b) of Hindu Marriage Act with a prayer to dissolve the marriage of petitioner with the respondent on 6-10-2017.
2. The petitioner stated that the respondent is legally wedded husband of the petitioner and their marriage was solemnized on 6-10-2017. at the parents house of the petitioner situated at Ganapeswaram village. as per Hindu rites and customs.

Immediately after the marriage the petitioner joined with the respondent and they lead marital life only for Two years. No issues were born out of their wedlock. Their marriage was also registered in the office of SRO, Avanigadda on 18-5-2019 vide Registration No 51/2019.

The petitioner further submitted that after the marriage, the petitioner found that the respondent is having all vices like drinking gambling etc and he used to come to house on late nights and used to beat the petitioner indiscriminately for additional dowry. Due to his behavior the respondent created fear and terror in the mindset of the petitioner, but the petitioner with a fond hope that the respondent will mend his attitude on one day or the other, bear all the harassment of the respondent, but in vain. On 20-8-2019 the respondent came to the house in drunken state and beat the petitioner indiscriminately and necked out the petitioner from the house. Having other go, the petitioner went to her parents house and the parents of the petitioner mediated the matter through elders tried to reconcile the matter in several times. There is no chance of reunion between the couple and the marital tie in between the petitioner and respondent was irrevocably broken down. Hence the respondent caused both mental and physical cruelty towards the petitioner and he also

Corrections : Nil.

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deserted the petitioner for a period of more than 2 years. Hence the petition.

3. After registering the petition, notice is served to the respondent. The respondent appeared and filed his counter by admitting the averments made in the petition and the respondent has stated that he has no objection to grant divorce to the petitioner.

4. In order to establish the case of petitioner, the petitioner/wife was examined as PW1 and Exs.P1 to P4 and were marked on behalf of PW1. None were examined on behalf of respondent and no documents were marked.

5. Heard the learned counsel for both parties.

6. Now the point for consideration is:

***“Whether the petitioner is entitled for decree of divorce on the ground of cruelty under Hindu Marriage Act, 1955?”***

7. **Point** : PW1 who is the petitioner herein averred in her chief-examination affidavit as per her petition averments and their marriage was consummated, the allegations of the petition became unchallenged. The averments in chief-examination of PW1 reveals the cruelty against petitioner by the respondent. The evidence of petitioner before this court and respondent appeared and revealed that the respondent behaved cruelly against the petitioner and failed to perform his marital obligations, moreover they did not reside long time under one roof even for reasonable period for better understanding each other.

8. The cruelty and harassment may differ from one to other according to their family status, level of understanding and brought up, it can be determined on merits in contesting matters. The respondent did not choose to contest the matter, the reasons best known to the parties to the proceedings.

9. According to PW1, Respondent addicted vices like drinking etc and used to come in late nights and used to abuse the petitioner and harassed her physically and mentally and demanded additional dowry. The evidence available on record itself clear that the elders tried to pacify their dispute but of no use as the respondent developed hatredness towards petitioner.

10. As seen from pleadings of parties, they have been residing separately since 20-8-2019, both are not dependent on each other and they are leading their respective lives, so this Court can presume the cruelty on the part of one of the spouse because, the efforts made by elders not fructified to lead their marital life, so it can be understood that there is no adjustment among the both parties.

11. The unchallenged evidence of PW1 and recitals of Exs.P1 to P4 support the version of petitioner and established the act of cruelty of the respondent towards petitioner. Thus, the

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petitioner established the grounds of divorce from the respondent on the ground of cruelty as such the petitioner is entitled for the relief sought for.

12. So, this Court has no other go, except to come to conclusion that the averments of the petitioner in her chief-examination are all correct unless and until the contrary is proved, hence, the petitioner is entitled for decree of divorce from the respondent on the ground of cruelty, hence, this point is answered accordingly.

13. In the result, the petition is allowed by dissolving the marriage of the petitioner and the respondent dated 06-10-2017 by way of decree of divorce on the ground of cruelty under the Hindu Marriage Act, 1955.

Typed to my dictation to the Stenographer directly on desktop, corrected and pronounced by me in the open Court, this the 4<sup>th</sup> day of November, 2022.

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**Appendix of Evidence**

**Witness examined**

**For Petitioner :**

PW1: P.Supriya

**For Respondent :**

--- None ---

**EXHIBITS MARKED**

**For Petitioner :**

Ex.P1 Wedding card of the petitioner and respondent.

Ex.P2 Marriage photo of the petitioner and respondent.

Ex.P3 Compared copy of Aadhar identity of the petitioner.

Ex.P4 Compared copy of Aadhar identity of the Respondent.

**For Respondent :**

--- Nil ---

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Present: **Sri S.Damodara Rao,**  
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Pasupuleti Supriya @ Pitati Supriya @ Devi Supriya W/o  
Pasupuleti Naga Praveen, Hindu, 31 years, R/o D.No 1-59,  
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32 years, R/o D.No 15-183, SVS Nagar, Mylavaram village,  
& Mandal, Krishna district. ...Respondent

*This petition is filed by the petitioner under section 13 (1) (ia) (1b) of Hindu Marriage Act with a prayer to dissolve the marriage of petitioner with the respondent on 6-10-2017.*

Petition presented on :25-08-2022.

A fixed Court Fee of Rs.10/- is paid herewith under schedule II,  
Article 1 (vii) of APCF and SV.Act, 1956.

*This petition coming on 03-11-2022 for hearing before this Court in the presence of a, Advocates for petitioner, and Respondent in person and upon the matter having been stood over to this day for consideration, this Court, and upon the matter having been stood over to this day for consideration, doth order and decree:*

- i) That the petition be and same is hereby allowed by dissolving the marriage of the petitioner and the respondent dated 6-10-2017 by way of decree of divorce on the ground of cruelty under the Hindu Marriage Act, 1955;
- ii) That no bill of costs filed on either side.

Given under my hand and the seal of this Court, this the 4th day of November, 2022.

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Memorandum of Costs  
– Nil –

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