

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE G.SHYAM PRASAD

CIVIL MISCELLANEOUS APPEAL No.493 of 2006

26.09.2016

Between:

Kuram Venkata Ramana

..Appellant

And

Kuram Vani

..Respondent

Counsel for the appellant: Mr.B.Narasimha Sarma

Counsel for the respondent: Mr.K.Sitaram
for Mr.K.Somakonda Reddy

The Court made the following:



JUDGMENT: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This appeal arises out of the order, dated 13.04.2006, in O.P.No.110 of 2004 on the file of the Principal Senior Civil Judge, Ranga Reddy District.

2. We have heard Mr.B.Narasimha Sarma, learned counsel for the appellant and Mr.K.Sitaram, learned counsel representing Mr.K.Somakonda Reddy, learned counsel for the respondent.

3. The appellant, who is the husband, filed the aforementioned O.P. for dissolution of marriage under Section 13(1)(ia) of the Hindu Marriage Act, 1955. Based on the pleadings of the parties, the lower Court framed the following point:

“Whether the respondent committed cruelty against the petitioner herein and the petitioner is entitled for decree of divorce against the respondent?”

The appellant examined himself as P.W.1 and got Exs.A-1 to A-4 marked on his side. The respondent examined herself as R.W.1 and did not adduce any documentary evidence. On appreciation of the oral and documentary evidence, the lower Court arrived at the conclusion that the appellant failed to establish the cruelty on the part of the respondent and dismissed the O.P.

4. At the hearing, the learned counsel for the appellant has submitted that as per the instructions received by him through e-mail from his client, both the parties are residing under one roof.

5. The facts that the O.P. filed by the appellant was dismissed as far back as 13.04.2006 and that all these years, the parties are residing

together, reveal that the differences between them are not of high magnitude. Long lapse of time from the date of dismissal of the O.P. and the fact of the parties staying together under one roof, persuade us not to interfere with the order of the lower Court at this length of time.

6. For the aforementioned reasons, the Civil Miscellaneous Appeal is dismissed.

C.V.NAGARJUNA REDDY, J

G.SHYAM PRASAD, J

26th September, 2016
GHN

