

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

and

The Hon'ble Smt. Justice T.Rajani

FCA.No.206 of 2016

Date: 19.01.2017

Between:

Sri M.Sanjeeva Reddy

... Appellant

and

Smt.N.Sridevi

...Respondent

Counsel for the Appellant: Mr.P.Ramachandran

The Court made the following:



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

This Family Court Appeal (FCA) arises out of Order and Decree, dated 29-09-2016, in IA.No.792 of 2016 in OPSR.No.5292 of 2016, on the file of the Judge, Family Court, Hyderabad (for short 'the Family Court').

We have heard Mr.P.Ramachandran, learned Counsel for the appellant, and perused the record.

The marriage of the petitioner was solemnized with the respondent on 20-04-2016. Within a few months thereafter, the appellant has filed the afore-mentioned OP for dissolution of marriage with the respondent. Along with the OP, the appellant has filed IA.No.792 of 2016 for leave to file divorce petition within one year of the marriage. The Family Court has dismissed the said IA on the ground that the appellant has failed to satisfy the Court that he will suffer extreme hardship and the respondent has failed to establish that she will suffer extreme depravity if the leave as prayed for is not granted.

On 22-12-2016, while ordering Notice before Admission, we have directed both the parties to be

personally present before the Court. Accordingly, they are present in the Court today. We have interviewed both of them in the chambers. From the discussion held with the parties, we are convinced that there is a serious incompatibility between them. Both the parties have urged the Court to consider their respective ages being 35 and 34 years and their anxiety to settle in life by obtaining early divorce. They also requested us to consider the futility of their waiting for the minimum period of one year under Section 14 of the Hindu Marriage Act, 1955 (for short 'the Act'). Though we have put in our best efforts to convince both the parties to live together, the respondent has expressed her serious disinclination to live with the appellant. Having regard to the uncompromising attitudes of both parties and their respective ages, we are of the opinion that no useful purpose will be served in forcing them to wait for further period and that it may cause extreme hardship to the appellant and also extreme depravity to the respondent, if their request for entertaining the OP before the expiry of the statutory period is not acceded to.

In the aforementioned facts and circumstances of the case, we are satisfied that this case falls within the proviso to Section 14 of the Act. Accordingly, the FCA is allowed and Order, dated 29.09.2016, in IA.No.792 of 2016 in OPSR.No.5292 of 2016, on the file of the Family Court is set aside. The Family Court is directed to register the OP and dispose of the same in accordance with law.

(C.V.Nagarjuna Reddy, J)

(T.Rajani, J)

Dt: 19th January, 2017
lur

