

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE SRI JUSTICE N. BALAYOGI

FAMILY COURT APPEAL No. 296 of 2015

JUDGMENT: (*Per VRS,J*)

Aggrieved by the dismissal of her petition for dissolution of marriage, the wife has come up with the above appeal.

2. Heard Mr. Raja Gopallavan Tayi, learned counsel for the appellant.

3. Notice has been served on the respondent. But, he has chosen not to enter appearance. As a matter of fact, he did not choose to appear before the trial Court and he was set *ex parte*.

4. The marriage between the appellant and the respondent was solemnized on 08.11.2004. But, within two years, differences of opinion arose, forcing the appellant to live separately. The appellant, thereafter, filed O.P.No.566 of 2015 for dissolution of marriage, on the ground of cruelty.

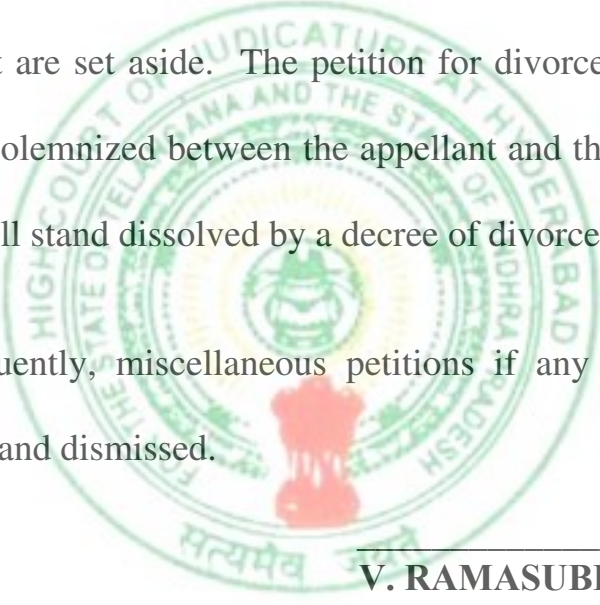
5. Before the trial Court, the appellant examined herself as P.W.1 and filed three documents as exhibits. Mostly, the allegations of cruelty revolved around her oral testimony. In her oral testimony, the appellant contended that the respondent was addicted to alcohol and gambling. The appellant was working in Australia, but the respondent

refused to join her. Fortunately, the couple did not have any children in the wedlock.

6. Once the respondent has not chosen to challenge the testimony made by the appellant, the Court below could not have said that there was no evidence. It appears that for the past more than 10 years, the parties are living separately. The respondent did not choose to appear either before the Family Court or before this Court.

7. Therefore, the appeal is allowed and the judgment and decree of the trial Court are set aside. The petition for divorce is allowed and the marriage solemnized between the appellant and the respondent on 08.11.2004 will stand dissolved by a decree of divorce.

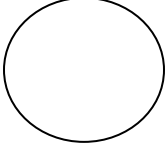
Consequently, miscellaneous petitions if any pending in the appeal shall stand dismissed.



V. RAMASUBRAMANIAN, J

N. BALAYOGI, J

7th July, 2017
cbs



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FAMILY COURT APPEAL No. 296 of 2015
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+F.C.A. No.296 of 2015

% 06-07-2017

Smt. Vangala Indira

.. Appellant

Vs.

\$ Vangala Samba Reddy

.. Respondent

<GIST:

>HEAD NOTE:



! Counsel for appellant : Mr. Raja Gopavallan Tayi

^ Counsel for respondent : None

? CASES REFERRED : ----