

**HON'BLE SRI JUSTICE SURESH KUMAR KAIT
AND
HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

CIVIL MISCELLANEOUS APPEAL No.93 OF 2018

JUDGMENT: (Oral)

(Per Suresh Kumar Kait, J)

The present appeal is filed against the order dated 11.09.2017 passed in O.P.No.24 of 2017 on the file of the Senior Civil Judge, Peddapalli, on the ground that the respondent has forcibly obtained the signatures of the appellant herein on the mutual consent divorce petition and presented the same before the Court for adjudication.

2. It is the case of the appellant that at the time of her examination, the respondent along with local antisocial elements such as E.Krishna, who is an accused in a murder case, came to the Court and threatened her stating that if she did not cooperate for getting mutual divorce decree, he and his uncle along with other antisocial elements would kill her father; thus she had no option but to sign the petition for mutual divorce decree.

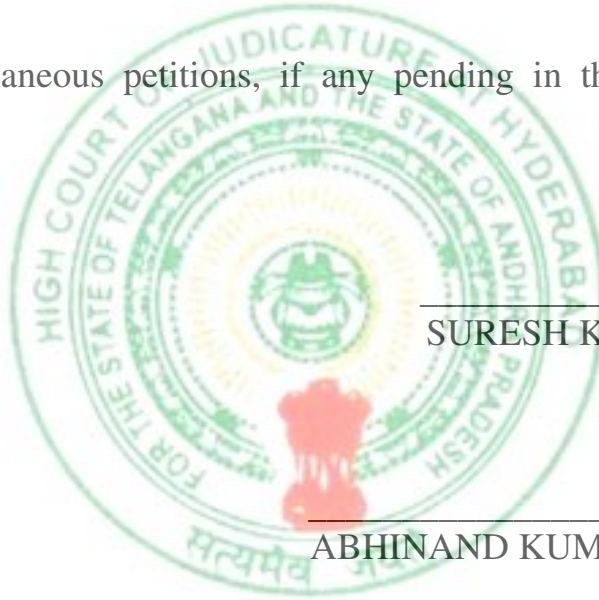
3. The fact remains that petition was presented for divorce on mutual consent on 17.02.2017 and the same was posted on 06.09.2017 after the compulsory statutory period of 6 months. The parties did not change their mind and before recording evidence of the parties, the Court had ascertain the facts from both the parties and satisfied that the consent given by each of the parties is voluntary and with free consent. When the trial Court was satisfied to that extent, it had granted a decree of divorce on mutual consent

under Section 13(B) of the Hindu Marriage Act, 1955. There is no material filed by the appellant which establishes that there was a threat before petition for divorce on mutual consent was presented on 17.02.2017.

4. In view of the same, we find no ground to interfere with the order under challenge.

5. Appeal is devoid of merits and is accordingly dismissed. No order as to costs.

Miscellaneous petitions, if any pending in the appeal, stand closed.



SURESH KUMAR KAIT, J

ABHINAND KUMAR SHAVILI, J

June 12, 2018
MRR