

THE HON' BLE SRI JUSTICE C. V. NAGARJUNA REDDY
AND
THE HON' BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

CIVIL MISCELLANEOUS APPEAL No. 452 of 2008

Date: 18th January, 2018

Between:

Chennupati Veeranjaneyulu

... Appellant

And

Smt. Chennupati Sudha Rani

... Respondent

COUNSEL FOR APPELLANT : Sri P.V.R. Sharma

COUNSEL FOR RESPONDENT : None

THE COURT MADE THE FOLLOWING:

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

This appeal is filed against the Order and Decree dated 11.02.2002 in O.P.No.14 of 1999 on the file of Senior Civil Judge, Kavali, whereby he has dismissed the said O.P filed by the appellant for dissolution of marriage with the respondent.

2. So far, the respondent has not entered appearance. We have heard Mr. P. Rajasekhar, learned counsel, representing Mr. P.V.R. Sharma, learned counsel for the appellant, and perused the record.

3. The appellant has filed the aforementioned O.P. for dissolution of his marriage with the respondent under Section 13(1)(ia)-cruelty, and Section 13(1)(ib)-desertion. In support of his case, the appellant has examined himself as PW.1 and also examined PW.2. the respondent has examined herself as RW.1 and also examined RW.2. On behalf of the appellant, three reasons were put forth for dissolution of marriage; (i) that the respondent was not interested in the marital life; (ii) that she was ill-treating the two children of the appellant born to the first wife who is no other than the sister of the respondent; and (iii) desertion.

4. As regards the first mentioned ground, the Court below has negatived the same by observing that, except general allegation, no specific incident was referred to substantiate his that the respondent is not interested in leading marital life. It has also taken into

consideration the fact that a child was born from the wedlock of the appellant and respondent. With regard to the allegation of ill-treatment of children, the lower Court has held that the evidence let in by the respondent did not prove the allegation. As regards desertion, the lower Court has found that the appellant failed to prove the said allegation and that, on the contrary, as the appellant was living with another woman, the respondent has justification for not joining his company.

5. On a reconsideration of the entire material on record, this Court is of the opinion that the findings recorded by the lower Court are based on evidence and, therefore, we do not find any reason to interfere with the order and decree under appeal.

6. The appeal is, accordingly, dismissed.

C.V. NAGARJUNA REDDY, J

GUDISEVA SHYAM PRASAD, J

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