APHC010373362023

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI

WEDNESDAY, THE 18th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE D RAMESH

THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA

CIVIL MISCELLANEOUS APPEAL NO: 445 OF 2023

Between:

1. KOTARI YEDUKONDALU, S/o. Subbarao, Hindu, aged about 40 years, Occu. Daily Cooli, R/o. Door No.7-148/23, Kattubadivaripale Village, Chilakaluripet Mandal, Guntur District.

...APPELLANT

AND

1. KOTARI THOKALA NAGA JOYTHI, W/o. Yedukondalu, D/o. Hari, Hindu, aged about 36 years, Occ. Employee, Receiptionist Security Cabin in Yashoda Hospital, Somajiguda, Hyderabad, Telangana State-500 082

...RESPONDENT

Appeal Under Section_____against orderspleased to set aside the order and decree dated 10-04-2023 in HMOP No.197 of 2019, on the file of the on the file of the Principal Senior Civil Judge at Narasaraopet by allowing the HMOP No.197 of 2019 and pass

IA NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant leave to convert the appeal to divorce by mutual consent under Section 13-B of the Hindu Marriage Act, 1955 and pass

IA NO: 2 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to record our settlement, allow the appeal, set aside the Judgment dated 10.04.2023 passed in H.M.O.P.No.197 of 2019 and grant a decree of divorce by mutual consent under Section 13-B of the Hindu Marriage Act, 1955 and pass

Counsel for the Appellant: SATYANARAYANA NIMMALA

Counsel for the Respondent RAMA MOHAN RAO KOTHA

The Court made the following:

JUDGMENT: *(Per Hon'ble Sri Justice D.Ramesh)*

The Civil Miscellaneous Appeal is filed aggrieved by the order passed in H.M.O.P.No.197/2019 dated 10.4.2023 on the file of the learned Principal Senior Civil Judge, Narasaraopet.

2. The appellant is the petitioner in H.M.O.P.No.197/2019 and the same was filed u/Section 13(1)(ia)(ib) of the Hindu Marriage Act for dissolution of the marriage of the petitioner with the respondent which was taken place on 21.5.2003. The said O.P was considered on merits and the same was dismissed. Aggrieved by the same the present appeal was filed.

3. While pending the appeal both the parties have appeared before this Court and both the parties were identified by their respective counsel. Both parties have also filed joint memo signed by both the parties and it form part of the record. After interaction with the parties, they consented for mutual divorce and for conversion of the H.M.O.P. filed under Section 13(1)(ia)(ib) of the Hindu Marriage Act into a petition under Section 13B of the Hindu Marriage Act for which they voluntarily agreed without any coercion.

4. Considering the submissions by both the counsel and also on perusal of the contents of the joint memo and also as per the consent expressed by both the parties, the order passed by the learned

Principal Senior Civil Judge, Narasaraopet dated 10.4.2023 in H.M.O.P.No.197/2019 is set aside. Further the said H.M.O.P.No.197/2019 which is filed under Section 13(1)(ia)(ib) of the Hindu Marriage Act 1955 is converted into H.M.O.P.No.197/2019 filed under Section 13B of the Hindu Marriage Act 1955 and the same is allowed by dissolving the marriage of both the parties performed on 21.5.2003 by granting Decree of Divorce.

5. Accordingly, the Civil Miscellaneous Appeal is closed. No costs.

As a sequel thereto, interlocutory applications pending, if any, shall also stand closed.

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JUSTICE D.RAMESH

_____

JUSTICE A. HARI HARANADHA SARMA

18.11.2026
RD

THE HONOURABLE SRI JUSTICE D RAMESH

THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA

CIVIL MISCELLANEOUS APPEAL No.445 of 2023

18.11.2026

RD