

**IN THE COURT OF THE HON'BLE JUDGE OF THE FAMILY COURT,  
AT HYDERABAD**

**F.C.O.P.No. 1102 of 2007**

**Between:**

**Pappu Malathi** W/o Challa Anil Kumar,  
Aged about 29 years, Occ: Housewife,  
R/O Parvathi Ladies Hostel, Room No. 5,  
R.K.Apartments, H.No. 1-1-276,  
Street No. 1, Chikkadapally,  
Hyderabad.

**Petitioner**

And

**Challa Anil Kumar** S/o Late Sri C.V.A.S. Suryanarayana,  
Aged about 31 years, Occ: Post Doctoral Fellow,  
University at Albany New York,

**Respondent**

**PETITION FILED UNDER SECTION 13 (1) (IA) (IB) OF THE HINDU MARRIAGE ACT, 1955 ON THE  
GROUNDS OF CRUELTY AND DESERTION**

The Petitioner humbly submits as follows:

- 1) The Petitioner hails from a respectable family of customs and traditions and is the third daughter of the four in her parental home. She has completed M.C.A. from CAT Academy, Indraprastha University (New Delhi), Hyderabad in the year 2003. She is qualified in Instrumental Veena of Classical Music. Her father expired prematurely on 13-6-1999 at his age of 50 years, when she was 21 years old. Her mother has struggled alone and strived to bring up her and her sisters while working as a School Teacher.
- 2) The respondent's sister by name Mrs. Challa Uma Gayathri, who is resident of USA, had contacted the elder sister of the petitioner and approached their mother in the 1st week of February, 2005 for proposing alliance between the petitioner and the respondent. The respondent contacted the petitioner over phone from USA on 03.02.2005 in order to exchange mutually the views for ascertaining emotional, social, cultural, educational, professional and occupational compatibility. There followed exchange of email correspondence for about 8 months between the respondent and his sister on one part and the parental family members of the petitioner on the other part for crystallizing the alliance into marriage.
- 3) The respondent, having been assured of prospective matrimonial compatibility with the petitioner, reached Hyderabad from USA on 05.08.2005. Accompanied by his paternal uncle Mr.Jaganmohan Rao and his wife Mrs. Subbalakshmi, the respondent visited the house of the petitioner at Kakinada on 10.08.2005. After the formalities of personal introductions and interactions amongst the petitioner's side and respondent's side, the betrothal ceremony was carried out on the same day i.e. 10.08.2005 in the presence of close family circle of the petitioner. The respondent as joined by his sister from USA

through Teleconferencing and email communication dictated the following terms and conditions of the marriage to be performed by the petitioner's parental family members:

- a) The marriage invitation cards from the petitioner's side should be drafted and printed in legendary Telugu and should be distributed to invitees by writing their addresses in Telugu only;
  - b) All the placards, boards, banners, curtains, etc were to be displayed with contents necessarily drafted in legendary Telugu language;
  - c) Nowhere an English word should appear in the marriage proceedings including prohibition of using an English word scripted in Telugu;
  - d) All the respective locations of function hall premises such as threshold, reception, sitting place of invitees, marriage dais, rest rooms etc should bear boards written in legendary Telugu script.
  - e) The petitioner's side should defray the marriage expenses of both sides;
  - f) The cash part including Adapadachu Lanchanams aggregating to Rs.5,00,000/- was to be handed over to the respondent by 11.08.2005.
- 4) While the demanding spirits of the respondent's side were riding high in the aforesaid manner at one end, the respondent did not spend a single pie towards the marriage function or on the petitioner's side such as reciprocating Lanchanams. The avariciousness and miserliness of the respondent was so high that he did not get his wedding cards printed except distributing few invitations taken on computer.
- 5) The respondent's sister reached Kakinada on 17.08.2005 from USA and the marriage function was solemnized on 19-08-2005 at 12:16 A.M. (i.e., midnight of 18th & 19th of August, 2005) at 'Kantipudi Subbamma Kamma Mahajana Kalyana Madapam' [sic] situated at N.F.C.L. Road, Kakinada.
- 6) The respondent's parents did not attend the marriage in the wake of reported strained relationship between him and his parents that has come to the knowledge of the defacto petitioner's side later.
- 7) The petitioner's mother through private borrowings from close relatives defrayed the total expenditure of about Rs.12.00 lacs incurred on the marriage function, whose budget is given below:
- |                          |                |
|--------------------------|----------------|
| a) Gold                  | Rs. 2,00,000/- |
| b) Meals                 | Rs. 2,00,000/- |
| c) Clothes               | Rs.1,00,000/-  |
| d) Silver                | Rs.1,00,000/-  |
| e) Kalyan Mandapam       | Rs.1,00,000/-  |
| f) Cash                  | Rs. 3,00,000/- |
| g) Adapadachu Lanchanams | Rs. 2,00,000/- |
- 8) During the course of the marriage which lasted for two days, the respondent and his team of relatives created problems while protesting vociferously about the following issues:
- a) Table meals were provided to the invitees in lieu of the traditional dining sitting on floor;

- b) Paper plates for dining were used in lieu of traditional practice of using fresh banana leaves;
  - c) The name of the respondent was Mis-spelt;
  - d) The threshold banner mentioned the word “weds” in Telugu script in lieu of equivalent legendary Telugu word;
  - e) The petitioner’s Purohit chanted the sacred hymns of the marriage proceedings erroneously and incoherently;
- 9) The petitioner’s side was constrained to concede to the demand of the respondent to have the nuptials ceremony on 21-08-2005 in his aunt’s house at Padmarao Nagar, Secunderabad. Whereas the same is normally arranged at the bride’s house. However, on the nuptial’s day, despite the unstinted initiative of the petitioner, the respondent did not advance physically and emotionally towards here and consequently failed to consummate the marriage for reasons best known to him and not revealed to her. On the Nuptial’s day, the respondent kept himself busy till small hours of the next day morning in reading some printed articles about “Establishment of Family Values through the Institution of Marriage etc. and “The Evening Sky Map” which are nothing but extracts from other books, while invoking repeatedly the reluctant attention of the dozing petitioner about the contents of the said book.
- 10) On 22-08-2005, the newly wedded couple went to Honey Moon trip to Visakhapatnam, Araku Vally and Rushikonda. During their stay at the place, the respondent humiliated and harassed the petitioner in several ways such as:
- a) The respondent did not allow the petitioner to take any food except liquid diet despite her expressed feeling of hunger;
  - b) During the entire trip the respondent was totally indifferent to have any sort of conjugal association with the petitioner despite the latter’s initiatives and advances.
- 11) The respondent and the petitioner got their marriage registered at The Marriage Registrar, Kakinada, East Godavari District on 27.08.2005 vide H.M.No. 290/2005.
- 12) The respondent left for USA on 28-08-2005 while giving assurance to the petitioner that he would be sending appropriate papers to secure dependent Visa for her. The respondent went back to Kakinadu and stayed there awaiting Visa to reach her husband.
- 13) The respondent was interacting with the petitioner up to 09-09-2005 about the arrangements being made by him to her immigration to his place of put up at USA i.e. at 7295 CHARMANT DR. RPT 113 LA JOLLA CA 92122 TELEPHONE NO. 614-209-8235. After some procedure, the petitioner secured Dependent Visa on 13-09-2005 vide No. 74845790.
- 14) Thereafter, all of a sudden the respondent sent an email on 13-10-2005 to the petitioner disowning the marital cord with her and expressed his irrevocable intention to put an end to their marriage. He kept himself away from the endeavors of the petitioner to contact him over phone.
- 15) Thereafter, the respondent and his sister visited India to see their critically ailing father at Hyderabad on 24-12-2005. When the petitioner and her family members made a courtesy visit to the Care Hospital,

Secunderabad to enquire the health condition of the respondent's father on 24.12.2005 in the afternoon, then they accidentally met the respondent therein.

- 16) When the petitioner's family members tried to broach the issue of putting up matrimonial home of the couple, then the respondent and his sister behaved rudely with them while using unpalatable, humiliating and abusive language against them. After some course of arguments, the respondent came out with his true colours and started making undue monetary demands to the petitioner as a condition precedent to take her along with him to USA. Such demands were beyond the capacity of the petitioner's parental family.
- 17) The petitioner and her parental family members pleaded with and persuaded the respondent from 24.12.2005 till 27.12.2005 in the hope that wiser counsel might prevail over the latter. During the course of discussions, the respondent's sister audaciously challenged the petitioner's family members to show their guts to stop them from going abroad in the small hours of 28-12-2005.
- 18) The respondent and his sister paid deaf ear to the earnest feelings of the petitioner and expressed his irrevocable decision to come out of the wedlock while handing over a printout of his mind on 27.12.2005.
- 19) The petitioner and her parental family members were shocked over the cruel and malafide intentions of the respondent and his sister to check out of India without the petitioner. In the absence of alternative, the petitioner was constrained to scribble a brief complaint in a moment of chaos and confusion and to lodge the same before P.S.Saroornagar, Cyberabad on 28-12-2005 vide FIR No. 1125/2005 for the offences under Section 498-A of IPC. The police were constrained to arrest the respondent and his sister promptly as they continued to show defiance to the wiser counseling and conciliating mediating endeavours of the police. However, on 29-12-2005 the respondent and his sister were released on bail as their father expired on the said date. The respondent could not go back to USA after his father's obsequies as his passport was surrendered to the court. However, 2nd petitioner could manage to go back to USA.
- 20) The Police of PS Saroornagar investigated the matter and filed the Final Result (Charge Sheet) dated 30-01-2006 on the file of the Hon'ble II Metropolitan Magistrate, Cyberabad at L.B.Nagar, R.R.District vide C.C. No. 232 of 2006.
- 21) Since 29-12-2005, the petitioner and her parental family members are devoid of any information about the whereabouts of the respondent except the information that is available through proceedings of C.C. No. 232 of 2006.
- 22) Thus, the respondent deserted the petitioner w.e.f. 13-10-2005 after orchestrating the drama of alliance proposal for a period of 8 months followed by the solemnization of their marriage on 19-08-2005.
- 23) Thus, the actions, reactions, over-actions, interactions, inactions etc., committed by the respondent towards the petitioner had shaken the very foundation and abetted by his sister Mrs. Challa Uma Gayathri perpetrated cruelty towards the petitioner involving economic abuse, verbal and emotional abuse and biological abuse. Thus, the acts of cruelty committed by the respondent against the petitioner

in concomitance with her desertion for a continuous period stretching beyond two years created cascading ill-will, distrust, hatred, dislike and disharmony between the petitioner and the respondent. Due to unilateral misdeeds of the respondent against the petitioner, a great vacuum has been created between them. The matrimonial relations are irretrievably strained and a stage has reached between the petitioner and the respondent wherein there is no scope for their harmonious reunion. The petitioner is feeling endangered to her life, limb and health. It has therefore become imperative for the petitioner to approach this Hon'ble court and seek divorce through this petition.

- 24) The petitioner does hereby declare that she has not filed any proceedings of similar nature before any court and that no proceedings are pending between the parties.
- 25) After staying some time in the maternal home at Kakinada, the petitioner started living in the above address given in the cause title in search of livelihood and occupation. The said place is within the territorial jurisdiction of this Hon'ble court. Hence, this Hon'ble court has got jurisdiction to try this petition.
- 26) The cause of action first arose on 19-08-2005 when the marriage between the petitioner and the respondent was solemnized; thereafter it arose again on 21-08-2005 when the respondent failed to consummate the marriage on the said nuptial's day; thereafter it arose again on 22-08-2005 when the respondent took the petitioner for Honey Moon trip to Visakhapatnam and harassed her there with mental cruelty while showing indifference to give conjugal bliss to the petitioner; thereafter it arose again on 28-08-2005 when the respondent left for USA without taking the petitioner; thereafter it arose again on 13-08-2005 when the petitioner secured Visa to join her respondent-husband; thereafter it arose again on 06-10-2005 when the respondent last assured the petitioner about the arrangements made by him to immigrate the latter; thereafter it arose again on 13-10-2005 when the respondent sent an e-mail disowning the marriage with the petitioner with an intention to put an end to it; thereafter it arose again on 24-12-2005 when the respondent visited India to see his critically ailing father; thereafter it arose again on 27-12-2005 when the respondent attempted to flee away from India to USA without taking the petitioner after handing over the latter a print out of his feelings of dissociation; thereafter it arose again on 28-12-2005 when the petitioner filed a criminal complaint before P.S.Saroornagar, vide FIR No. 1125 of 2005; thereafter it arose again on 29-12-2005 when the respondent was released on bail; thereafter it arose again on 30-01-2006 when the P.S.Saroornagar filed charge sheet in FIR No. 1125 of 2005 before the Hon'ble II Metropolitan Magistrate, Cyberabad vide C.C. No. 232 of 2006 and since then on every day and hence the cause of action continues and subsists as on this day. Hence the petition is well within the limitation period.
- 27) A court fee of Rs.10/- is paid herewith as per Section 19, Article 1 (vii) of Section II of APSV and C.F. Act, which is just and sufficient.
- 28) It is therefore prayed that the Hon'ble Court may be pleased to:

- (a) Grant a decree of divorce in favour of the Petitioner U/S. 13(1)(ia)(ib) of the Hindu Marriage Act, 1955 dissolving the marriage between the Petitioner and the respondent solemnized on 19-08-2005;
- (b) Grant a permanent alimony of Rs.25.00 lakhs payable by the respondent to the petitioner;
- (c) Direct the respondent to refund Rs.12.00 lakhs to the petitioner that was incurred by her parental home on the eve of their marriage;
- (d) Award costs of the petition and
- (e) Pass such other or further orders granting any other relief or relief's to which the Petitioner is entitled to be granted.

Place: Hyderabad  
Date: 20-11-2007

PETITIONER