

Received on : 30.12.2014  
Presented on : 30.12.2014  
Decided on : 13.04.2016  
Duration : 1Y 3M 14D

**IN THE COURT OF 2<sup>nd</sup> JT. CIV. JUD. SENIOR DIVN., PUNE  
(PRESIDED OVER BY SMT. S.S. NAGUR)**

**MARRIAGE PETITION NO. 37/2015  
Exh. No.**

Yogesh Raju Sarsamkar  
Age – 28 years, Occupation : Service,  
Address : Flat No. 303, Saraswati Classic,  
Near Chinchwad Station reservation center,  
Chinchwad, Pune – 411 019 ..... Petitioner

**VERSUS**

Pragnya P Deshmanya  
Age – 26 years, Adult, Occupation : Housewife,  
Address : Santrapati, Plot NO. 67,  
Old Ghatge layout Behind Siddharth Nagar,  
MSK Mill Area,  
Gulbarga, Karnataka. ....Respondent

**Petition for divorce under Section 13 (1) (ia)  
of Hindu Marriage Act, 1955.**

**Appearances** – Advocate Shri.M.P. Salunke for the applicant.  
Ex-parte against the respondent

**J U D G M E N T**

(Delivered on 13<sup>th</sup> April 2016)

1. The petitioner has filed this petition against the respondent for divorce under Section 13 (1) (ia) of Hindu Marriage Act, 1955 on the ground of cruelty.

Brief facts of the applicants case as under :

2. The petitioner married with the respondent at Raichur on 17.12.2013. The parties co-habitated together for about two months. They have no child out of said wedlock. The petitioner has narrated the incident of cruelty on the hands of respondent in the petition. The grounds which are being pleaded by the respondent in respect of her behaviour with the petitioner. It is the case of the petitioner that the petitioner tried to compromise with the respondent however relations of the petitioner with the respondent could not improve and the respondent's behaviour towards the petitioner was not good. There were fights between the parties. Hence, this petition.

3. The respondent appeared but failed to file written statement. Hence, petition has proceeded without written statement.

4. In view pleadings in the application, following points arise for my determination with my findings thereon are as under for the reasons stated below :

<b><u>Sr No</u></b>	<b><u>Points</u></b>	<b><u>Findings</u></b>
1	Whether the petitioner proves that the respondent has caused cruelty to the petitioner?	Yes
2	Whether the petitioner entitled for divorce under Section 13 (1) (ia) of Hindu Marriage Act 1955?	Yes

3	What Order and decree?	The petition is allowed with cost.
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**REASONS**

5. Advocate for the petitioner has filed written arguments at Exh. 13. I have gone through the written arguments.

**As to Point Nos. 1 to 3 :**

6. The petitioner to prove the contents of the application examined himself at Exh. 12. The contents of the affidavit are as per the application. The respondent failed to appear before the court therefore above evidence of the petitioner has gone unchallenged. The respondent on oath deposed that behaviour of the respondent with the petitioner was since beginning not good. There were frequent quarrels between the petitioner and respondent on small issues. The respondent had always suspicious nature that the petitioner is having illicit affairs with her own cousin sisters and used to abuse the petitioner. The petitioner also claimed that the respondent is having illicit affairs with is own maternal uncle and office colleagues. Some of the incidents narrated by the petitioner are that the respondent always had interest in watching TV shows like emotional atyachar and pyar ka the end and was keenly interested in studying the blackmailing tricks. The respondent always demanded for money from the petitioner and petitioner's family for starting up the business and sending some amount to her home back in Gulbarga. The petitioner denied and respondent had a quarrel on this every

time. The respondent always had claimed to be dissatisfied with sexual activity carried out with petitioner. The respondent always used to abuse that petitioner husband is unable to satisfy the respondent sexually and termed him impotent consistently. The above evidence of the petitioner has gone unchallenged as the respondent remained absent.

7. The allegations in the plaint as well as the evidence to that effect shows that since beginning the relationship of petitioner and respondent was not good. The quarrels used to take place between the parties. The attempts were made by them to cohabit together. However, the reconciliation between them was impossible. Considering the contents of the petition and evidence of the petitioner on oath to that respect I hold that the petitioner has made out case that the respondent has committed cruelty to the petitioner. Hence, the petitioner is entitled for divorce on the ground of cruelty and pass following order :

**ORDER**

1. The petition is allowed with cost.
2. The Marriage dated 17.12.2013 between the petitioner – Yogesh Raju Sarsamkar and respondent – Pragnya P. Deshmanya is dissolved by decree of divorce under Section 13 (1) (ia) of Hindu Marriage Act, 1955.
3. Decree be drawn accordingly.

Place : Pune  
Date : 13.04.2016

(Smt. S.S. Nagur)  
2<sup>nd</sup> Joint Civil Judge S.D., Pune

**Certificate**

I affirm that the contents of this P.D.F. File judgment are same word for word as per original judgment

Name of Steno	:	Smt. B. J. Khandre
Court Name	:	Smt. S.S. Nagur, 2 <sup>nd</sup> Jt. Civil Judge, S.D. Pune
Date	:	4.5.2016
Judgment signed by P.O. On	:	4.5.2016
Judgment uploaded on	:	4.5.2016