
(1998) 10 AP CK 0085
In the Andhra Pradesh High Court
Case No : C.M.P.No. 232 of 1997

N. Sreekumari v. Nadipalli Venkata

APPELLANT

Vs

Nagendra Prakash

RESPONDENT

Date of Decision : 06-10-1998

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Section 24

Citation : (1998) 6 ALD 288 : (1998) 6 ALT 21 : (1998) 3 APLJ 410

Hon'ble Judges : G. Bikshapathy, J

Bench : Single Bench

Advocate : Mr. K.V. Subrahmanya Narsu, for the Appellant; Mr. P. Ganga Rami Reddy, for the Respondent

Judgement

1. All the rivers do not have straight course line. Some pass through difficult serpentine course before they join the straight line; so also the lives of some human beings are not straight. They are coupled with many ups and downs. Here is the case of young broken hearts struggling for an amicable solution for reunion of their hearts and souls.

2. Marriage between the petitioner and respondent was solemnised in 1993 and differences arose between them shortly. They started living separately from 1995. Though the parties are educated, they were not in a position to reconcile each other and consequently they fell in legal battles exerting their respective rights.

3. The petitioner in this Transfer CMP is the wife, who is seeking transfer of OP No. 24 of 1997, pending on the file of the Principal Subordinate Judge, Ranga Reddy District, filed by the husband (respondent herein) for divorce. It also appears that the wife had already filed OP No.40 of 1997 for restitution of conjugal rights before the learned Subordinate Judge, Nuzivid and the same was decreed ex parte.

4. Having heard the matter this Court felt that there was a scope for settlement

as the differences between the petitioner and respondent were only superficial and not deep rooted. Therefore, an attempt was made to reconcile the matter between the spouses. Accordingly, a meeting was convened in the Chambers on 14-9-1998 in the presence of the respective Advocates. The petitioner and respondent ventilated their respective grievances. The difference of understanding between the couple appear to be very insignificant and minor, wholly unconnected with their marital life. While the petitioner-wife was complaining that the family members of the respondent-husband are interfering, the respondent refuted the same and stated that he is even prepared to set up a separate family establishment if the petitioner was willing to join his Company. The wife reconciled and agreed to join the Company of the respondent, provided the respondent takes her in his fold by setting up the family in a separate premises. Since these are the minor issues, they were asked to have a joint dialogue for a few minutes. After having joint talk, they reported that they have decided to join together; but, however, they wanted some time to intimate their respective relations. While the wife was inclined to join after informing her brothers, who are staying outside the Hyderabad City, the husband also wanted to have time to inform his family members and to ensure non-interference by other members of his family. Therefore, in order to give some more time to understand each other, the Court adjourned the matter beyond Dasara vacation.

5. Today again this Court convened a meeting in the Chambers at 2.15 p.m. To the surprise of the Court both the wife and husband entered the Chambers with a smile, wife stating that she has already joined the Company of her husband on 2-10-1998 and they are living in separate premises peacefully and happily. The brothers of the petitioner were also present and they expressed happiness over their reunion after a period of nearly three years. The petitioner and respondent have categorically stated that they have thrashed out their differences and started living in peaceful and pleasant manner. The respondent-husband also stated that he would withdraw OP No. 124 of 1997, filed by him for divorce, pending on the file of the Principal Subordinate Judge, Ranga Reddy District, forthwith, and both of them have assured that they would lead a peaceful and happy life without any disturbance. This Court is not only required to render justice legal and social, but justice humane at times, especially, in cases of this nature, yields some fruitful results. In the matters relating to matrimonial disputes, the effort of the Court should be unite the spouses rather than dividing them except in irretrievable and irreconcilable cases. Thus, this Transfer CMP saw the end of an agonising and humiliating era of the couple and ensured their pleasant reunion.

6. In view of this event, the Transfer CMP is closed. The respondent shall file a memo, forthwith, before the Principal Subordinate Judge, Ranga Reddy District, withdrawing OP No. 124 of 1997. This Court hopes that the couple will spend their entire marital life with peace and happiness. No costs.