

**HON'BLE SRI JUSTICE R. SUBHASH REDDY
AND
HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO**

**FCA MP No.36 of 2015
in/and
FCA No.235 of 2012**

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JUDGMENT: (Per Justice R. Subhash Reddy)

This Family Court Appeal is filed under Section 19 of the Family Courts Act 1984 by the petitioner-wife, aggrieved by the judgment and decree dated 09.02.2011 passed in D.O.P.No.84 of 2009, by the learned Judge, Family Court-cum-Additional District Judge, Guntur. By the aforesaid judgment, the learned Judge, Family Court, dismissed the petition filed by the petitioner-wife, under Section 10 of the Indian Divorce Act, for grant of divorce, on the ground of cruelty and desertion.

2. During pendency of the appeal, FCA M.P.No.36 of 2015 is filed under Order XXIII Rule 3 CPC to dispose of the F.C.A., in terms of the settlement arrived at. Along with the petition, matrimonial settlement deed is filed in which it is stated that the petitioner and the respondent have decided to live separately and requested to dissolve the marriage by granting decree of divorce in terms of the settlement deed arrived at.

3. When the matter is taken up for hearing, both parties are present and their counsel identified the parties. The parties state that they have settled the

dispute amicably and decided to seek dissolution of marriage by grant of decree of divorce in terms of the settlement deed.

4. In view of the reasons stated in the affidavit filed in support of the petition, FCA M.P.No.36 of 2015 is allowed as prayed for. Consequently, FCA No.235 of 2012 is disposed of, dissolving the marriage of the petitioner with the respondent by granting decree of divorce in terms of the settlement deed. The settlement deed shall form part of the decree. Consequently, miscellaneous petitions if any pending in the appeal stand disposed of. No order as to costs.

R. SUBHASH REDDY, J

Dr. B. SIVA SANKARA RAO, J

February 5, 2015
MRR