

THE HON'BLE SRI JUSTICE DILIP B.BHOSALE

AND

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

Civil Miscellaneous Appeal No.2568 of 2004

-

-

P.C.: (per the Hon'ble Sri Justice Dilip B.Bhosale)

-

Learned counsel for the parties state that the parties have settled their disputes amicably and they have tendered a joint compromise memo, duly signed by the advocates on record, the appellant and the General Power of Attorney/father of the respondent and prayed for dissolution of their marriage by mutual consent. The same is taken on record and marked as 'X' for identification.

This appeal is arising from the judgment and decree of divorce, dated 09.10.2003, passed in O.P.No.178 of 2003, filed by respondent/husband on the ground of cruelty (under Section 13(1)(ia) of the Hindu Marriage Act, 1955 (for short 'the Act')).

The parties had parted company of each other in 2001. In other words, admittedly after 2001, they did not come together even for a day. This Court is informed that the respondent/husband, after expiry of the appeal period, remarried and is presently residing in US. His father is present in the Court. The respondent has given him General Power of Attorney to represent him in the instant proceedings. The appellant/wife is also present in the Court. The parties state that they have gone through the joint compromise memo and they have understood the contents thereof and they prayed for disposal of the appeal in terms thereof. They also prayed for allowing to convert O.P.No.178 of 2003 filed under Section 13(i)(ia) of the Act into a petition for divorce by mutual consent under Section 13-B of the Act. They state that they may be allowed to withdraw the allegations made against each other. O.P.No.178 of 2003 is allowed to be converted into a petition for divorce by mutual consent. The allegations made by the parties against each other are also allowed to

be withdrawn.

The father and General Power of Attorney of the respondent undertakes that the respondent shall pay/deposit an amount of Rs.10,000/- (Rupees Ten Thousand only) on or before 5th of every month commencing from May, 2015, uninterruptedly until either the appellant remarries or constructs her own house, as provided for in the joint compromise memo. The undertaking given by the respondent/husband and the father of the respondent in the joint compromise memo is accepted.

In the circumstances, we dispose of this Civil Miscellaneous Appeal in terms of the joint compromise memo. We also modify the decree of divorce on the ground of cruelty to a decree of divorce by mutual consent under Section 13-B of the Act.

Civil Miscellaneous Appeal is accordingly disposed of. Decree be drawn accordingly.

Consequently, miscellaneous petitions, if any, also stand disposed of.

DILIP B.BHOSALE,J

A.RAMALINGESWARA RAO,J

Dt:15.04.2015

GJ