

**HON'BLE SRI JUSTICE R. SUBHASH REDDY
AND
HON'BLE SRI JUSTICE A. SHANKAR NARAYANA**

FCA MP No.272 of 2015

In/and

**FAMILY COURT APPEAL No.1 of 2005,
FAMILY COURT APPEAL No.24 of 2005**

AND

FAMILY COURT APPEAL (SR.) No.14878 of 2005

COMMON JUDGMENT: (Per Justice R. Subhash Reddy)

Inasmuch as the appeals are directed against common judgment and decree dated 30.12.2004 passed in O.P.No.351 of 2000 and O.S.No.33 of 2000, by the Family Court-cum-V Additional District & Sessions Court, Vijayawada, they are heard together and disposed of by this common judgment.

For the sake of convenience, we refer to the parties as arrayed in O.P.No.351 of 2000.

F.C.A.No.1 of 2005, under Section 19 of the Family Courts Act, is filed by the respondent in O.P.No.351 of 2000 aggrieved by the judgment and decree dated 30.12.2004 passed by the Family Court. The aforesaid O.P., is filed by the petitioner-husband under Section 13(1) (1a) of the Hindu Marriage Act, 1955 seeking dissolution of marriage with the respondent-wife, which took place on 21.05.1994 at Palakollu, West Godavari District.

The respondent-wife filed O.S.No.33 of 2000

before the Family Court, seeking maintenance at Rs.3,000/- per month to her from 01.02.1999 to 29.02.2000 and Rs.2,000/- per month to her daughter from 01.02.1999 to 29.02.2000 and also for future monthly maintenance at Rs.3,000/- and Rs.2,000/- to herself and her daughter respectively.

The Family Court, by common judgment and decree dated 03.12.2004, allowed O.P.No.351 of 2000 filed by the petitioner-husband granting decree of divorce and dissolving the marriage which took place between the parties on 21.05.1994. Insofar as O.S.No.33 of 2000 filed by the respondent-wife is concerned, the same is decreed in part awarding maintenance at Rs.1,500/- to the respondent-wife from 01.02.1999 till her lifetime and at Rs.1,000/- to the daughter from 01.02.1999 till her marriage.

Aggrieved by the common judgment and decree dated 03.12.2004 passed by the Family Court, the respondent-wife filed F.C.A.No.1 of 2005, challenging the decree of divorce granted by the Family Court dissolving the marriage between the parties. Further, the respondent-wife and her daughter also filed another appeal – F.C.A. (Sr.) No.14878 of 2005 not satisfied with the maintenance. Whereas, the petitioner-husband filed F.C.A.No.24 of 2005 questioning the amount of maintenance granted by the Family Court, on the ground that the same is excessive.

During pendency of the proceedings, FCA MP.No.272 of 2015 is filed in F.C.A.No.1 of 2005, under Order 23 Rule 3 read with Section 151 CPC to dispose of the appeals in terms of the Compromise Memo dated 08.06.2015.

We have perused the Compromise Memo arrived between the parties. As per the terms of compromise, the parties have agreed for dissolution of marriage subject to certain conditions and payment of a sum of Rs.6,00,000/- (Rupees Six Lakh only) by the petitioner-husband to the wife by way of demand drafts and the demand drafts are to be deposited with Sri N. Satyanarayana Raju, R/o. Vijayawada till further steps are taken for withdrawal of A.S.No.105 of 2009 on the file of the XIII Additional District Judge, Vijayawada and also O.S.No.1.41 of 2009 on the file of the Senior Civil Judge, Bhimavaram and till filing of petition to refer C.C.No.813 of 2012 on the file of the II Additional Chief Metropolitan Magistrate, Vijayawada.

The parties are present before us and they are identified by their respective counsel. The parties state that they have settled the dispute amicably and request to dispose of the appeals in terms of the Compromise Memo dated 08.06.2015.

In view of the reasons stated in the affidavit filed in support of FCA MP.No.272 of 2015, the said petition is allowed as prayed for. Consequently, F.C.A.No.1 of 2005 is disposed of in terms of the Compromise Memo dated

08.06.2015. The Compromise Memo dated 08.06.2015 shall form part of the decree. As a consequence, F.C.A.No.24 of 2005 and F.C.A. (SR.) No.14878 of 2005 shall stand disposed of in the light of disposal of F.C.A.No.1 of 2005.

Accordingly, the marriage which took place between the parties on 21.05.1994 at Palakollu, West Godavari District, is hereby dissolved in view of the compromise arrived between them, subject to compliance of other terms and conditions as mentioned in the Compromise Memo dated 08.06.2015.

As a sequel, miscellaneous petitions if any pending in the appeals stand disposed of. No order as to costs.

R. SUBHASH REDDY, J

A. SHANKAR NARAYANA, J

3rd June, 2015
MRR