

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

F.C.A.No.79 of 2005

JUDGMENT : (per Hon'ble Sri Justice R.Subhash Reddy)

This appeal, under Section 19 of the Family Courts Act, 1984 is filed by the appellant-husband aggrieved by the order and decree dated 25.03.2005 in O.P.No.882 of 2002 passed by the Family Court, Hyderabad, dismissing the petition filed by him under Section 13(1)(a)(b) of the Hindu Marriage Act, 1955 (for brevity "the Act") seeking a decree of divorce by dissolving the marriage, while partly allowing the counter-claim filed by the respondent-wife granting maintenance of Rs.2,000/- per month each to the respondent-wife and Master Bharadwaj, who is their son.

2. The appellant and respondent herein are petitioner and respondent, respectively, in O.P.No.882 of 2002. For the sake of convenience, in this appeal, the parties are referred to as they are arrayed in the O.P., before the Court below.

3. The petitioner and respondent are husband and wife. They were married on 6.7.1988 at Sultan Manzil, Himayathnagar, Hyderabad, as per Hindu rites and customs. Due to certain disputes, the petitioner has filed

O.P.No.882 of 2002 on the file of the Family Court, Hyderabad, seeking a decree of divorce by dissolving their marriage. In the said O.P., the respondent filed a counter-claim seeking maintenance for herself and their son Master Bharadwaj. The Court below, through the impugned order and decree dated 25.3.2005, dismissed the petition filed by the petitioner, while partly allowing the counter-claim filed by the respondent-wife, granting maintenance of Rs.2,000/- per month each to her and their son-Master Bharadwaj, besides granting a sum of Rs.5,000/- to the respondent towards legal expenses. Aggrieved by the same, the present appeal is filed by the petitioner in the year 2005.

4. When the matter is taken up for hearing, it is submitted by the learned counsel for the respondent-wife that during the pendency of the appeal, the disputes between the parties were settled and the respondent is staying with the petitioner and they are leading a happy marital life. The learned counsel has produced the original of house-hold Card bearing No.PAP 167668101071, issued on 4.5.2006, wherein the petitioner, respondent and their son Master Bharadwaj were shown as family members. A copy of the said household card is placed on record.

5. As it is clear from the submissions made by the learned counsel for the parties that the disputes between the parties were settled and they are living together with two children, the respondent-wife and their son-Master Bharadwaj are not entitled for maintenance as awarded by the Court below.

6. Therefore, while confirming the impugned order passed by the Court below rejecting to grant a decree of divorce, we set aside the order to the extent of granting maintenance to the respondent-wife and their son-Master Bharadwaj.

7. Accordingly, this appeal is allowed in part to the extent indicated above. As a sequel, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

REDDY

JUSTICE R. SUBHASH

RAO
22.01.2015.
Msr

Dr. JUSTICE B.SIVA SANKARA

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

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