

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

FCA MP No.92 of 2015

and

FCA No.9 of 2013

and

FCA MP NO.91 OF 2015

and

FCA NO.319 OF 2013

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COMMON JUDGMENT: (Per Justice R. Subhash Reddy)

These two family court appeals are filed under Section 19 of the Family Courts Act, aggrieved by the common order and decree dated 19.11.2012 passed by the Additional Family Court, City Civil Court, Hyderabad in O.P.No.1298 of 2011 and O.P.No.92 of 2012.

O.P.No.1298 of 2011 is filed by the appellant-wife seeking dissolution of marriage by filing a petition under Section 13(1)(ib)(iii) of Hindu Marriage Act, 1955, whereas O.P.No.92 of 2012 is filed by the respondent-husband under Section 9 of the Hindu Marriage Act, 1956 seeking restitution of conjugal rights before the Additional Family Court, Hyderabad. By common order dated 19.11.2012, the Additional Family Court, Hyderabad, allowed the petition filed by the respondent-husband for restitution of conjugal rights and dismissed the petition filed by the wife for decree of divorce. Aggrieved by the same, both the appeals are filed by the wife.

During pendency of the appeals, FCA MP Nos.92 and 91 of 2015 are filed under Order XXIII Rule 3 of CPC stating that at the intervention of elders they have come to an amicable settlement and the marriage be dissolved in terms of the memos of compromise which are annexed thereto. The appellant-wife also stated that she relinquish her right of maintenance and shall not claim any permanent alimony from the respondent-husband.

When the matters are taken up today, both the parties are present and they are identified by their respective counsel and they state that they have settled the dispute amicably and decided to obtain decree of divorce by dissolving the marriage which had taken place between them on 16.06.1988, in terms of the memos of compromise.

In view of the above and having regard to the settlement arrived at between the parties, we deem it appropriate to dispose of the appeals in terms of the memorandum of compromise.

Accordingly, FCA MP Nos.92 and 91 of 2015 are allowed. Consequently, FCA Nos.9 and 319 of 2013 are disposed of in terms of the memos of compromise which shall form part of the decree. Consequently, miscellaneous petitions, if any, pending in the appeals stand disposed of. No order as to costs.

February 25, 2015

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FCA MP No.92 of 2015

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DATE: 25.02.2015

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