

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

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C.M.A.No.683 OF 2012

AND
C.M.A.MP.No.1648 OF 2015

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

This appeal, under Section 28 of the Hindu Marriage Act, 1955, is filed by the petitioner in O.P.No.91 of 2006 on the file of Additional Senior Civil Judge, Anantapur, aggrieved by the order, dated 30.11.2009, passed in the said O.P..

Appellant – husband has filed the aforesaid O.P., under Section 13 (1) of the Hindu Marriage Act, against the respondent - wife, for grant of divorce. The Court below, by impugned order, dated 30.11.2009, has dismissed the said O.P., as against which, the present appeal is filed.

During pendency of the appeal, the parties have filed C.M.A.MP.No.1648 of 2015, under Order XXIII Rule 3 C.P.C., seeking to set aside the impugned order in view of the compromise arrived at between them and to grant decree of divorce by dissolving the marriage performed between them in terms of the Compromise Petition annexed to the miscellaneous petition.

In the Compromise Petition, it is stated that at the intervention of elders and well-wishers, the parties have settled the dispute and as per the terms and conditions mentioned in the Compromise Petition,

the parties have agreed to dissolve the marriage and the appellant has agreed to pay Rs.4,00,000/- and return 2 ½ tulas of gold to the respondent towards permanent alimony.

When the matter is called, the parties, who are present in person and who have been identified by their respective counsel, have requested to dispose of the appeal in terms of the Compromise Petition annexed to C.M.A.MP.No.1648 of 2015. Further, Demand Draft bearing No.256376, dated 12.10.2015, drawn on State Bank of Hyderabad in favour of the respondent for an amount of Rs.4,00,000/- is handed over to the respondent – wife and the respondent has also acknowledged receipt of 2 ½ tulas of gold.

In view of the reasons stated in the Compromise Petition annexed to C.M.A.MP.No.1648 of 2015, the petition is allowed as prayed for and consequently, the appeal is allowed by setting aside the impugned order, dated 30.11.2009, and by dissolving the marriage performed between the appellant and the respondent. The terms of Compromise Petition shall form part of the decree.

Miscellaneous Petitions, if any, pending in this appeal shall stand closed. No costs.

R.SUBHASH REDDY, J

A. SHANKAR NARAYANA, J

October 14, 2015

MD