

HON'BLE SRI JUSTICE R.SUBHASH REDDY

AND

THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

C.M.A.M.P.No.1856 of 2014 in/and C.M.A.No.28 of 2008

COMMON ORDER : *(Per Hon'ble Sri Justice R.Subhash Reddy)*

C.M.A.No.28 of 2008, under Section 28 of the Hindu Marriage Act, is filed against the order and decree dated 22.10.2007 in O.P.No.14 of 2005 passed by the Principal Senior Civil Judge, Eluru.

The aforesaid O.P was filed by the appellant/petitioner/wife, under Section 13 (1) (ia) and 13 (2) (i) of Hindu Marriage Act, seeking dissolution of her marriage with the respondent-husband by granting a decree of divorce on the grounds of cruelty and desertion. By order and decree dated 22.10.2007, the O.P was dismissed. As against the same, this appeal is filed in the year 2008 and since then it is pending.

During pendency of the appeal, the appellant-wife filed a petition being C.M.A.M.P.No.1856 of 2014, seeking to grant mutual decree in terms of compromise arrived at between the parties. In the affidavit filed in support of the petition, it is stated that at the intervention of elders and well-wishers, the disputes between the parties are settled amicably and the parties have reduced into writing the terms of compromise by way of Compromise Memo, dated 04.12.2014, which is signed by the parties along with their advocates. A copy of such Compromise Memo is annexed to the petition.

When the matter is called, both the parties, who are present in-person and identified by their respective counsel, requested to dispose of the appeal in terms of the compromise.

In view of the reasons stated in the affidavit filed in support of the petition, C.M.A.M.P.No.1856 of 2014 is allowed. Consequently, C.M.A.No.28 of 2008 is also allowed by setting aside the order and decree dated 22.10.2007 in O.P.No.14 of 2005 passed by the learned Principal Senior Civil Judge, Eluru, and dissolving the marriage between the appellant and the respondent in terms of the Compromise Memo dated 04.12.2014. The terms of compromise shall form part of the decree.

As a sequel, pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

JUSTICE R. SUBHASH REDDY

JUSTICE A.SHANKAR NARAYANA

07.10.2015

v v