

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

**FCA MP No.226 of 2015 in FCA No.345 of 2012  
&  
FCA No.345 of 2012**

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**JUDGMENT:** (Per Justice R. Subhash Reddy)

This appeal, under Section 19 of the Family Courts Act, 1984, is filed by the petitioner in F.C.O.P.No.1197 of 2009, on the file of the Family Court, Hyderabad, aggrieved by the order and decree dated 10.09.2012.

2) By the aforesaid petition, the petitioner sought for annulment of her marriage with the respondent, under Section 12(i)(a) of the Hindu Marriage Act, 1955, for grant of permanent alimony and for return of Streedhana articles. By the aforesaid order and decree, the Family Court dismissed the said petition. As against the same, the present appeal is filed.

3) During pendency of the appeal, the parties have filed a petition under Order VI Rule 17 C.P.C. seeking to amend the provision of law from Section 12(i)(a) to 13 and 13(B) of Hindu Marriage Act, 1955, so as to enable them to obtain decree of divorce by mutual consent and the same is allowed today vide separate docket order.

4) Pending the appeal, the parties herein also filed FCA MP No.226 of 2015 under Order XXIII Rule 3 C.P.C along with a supporting affidavit and joint memo of compromise arrived between them. In the affidavit filed in support of the petition, it is stated that, at the intervention of elders and well wishers, they have settled the dispute and their marriage be dissolved by granting decree of divorce by consent, in terms of the joint

memo of compromise, which is annexed thereto. Both parties are present and their counsel identified the parties. The parties state that they have settled the dispute amicably and decided to seek dissolution of their marriage, by grant of decree of divorce, in terms of the joint memo of compromise.

5) In view of the above and having regard to the settlement arrived at between the parties, we deem it appropriate to allow the appeal in terms of the joint memo of compromise.

6) Further, in view of the expression of this Court in ***K.Omprakash V. K.Nalini***<sup>[1]</sup>, as the decree of divorce is obtained at the appellate stage, the timeframe stipulated under Section 13(b)(ii) will not apply.

7) In view of the reasons stated in the affidavit filed in support of FCA MP No.226 of 2015, the said petition is allowed as prayed for. Consequently, FCA No.345 of 2012 is also allowed, by dissolving the marriage between the parties and granting decree of divorce in terms of the joint memo of compromise. The joint memo of compromise shall form part of the decree. Consequently, miscellaneous petitions if any pending in the appeal stand disposed of. No order as to costs.

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JUSTICE R. SUBHASH REDDY

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Dr. JUSTICE B.SIVA SANKARA

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April 30, 2014  
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<sup>[1]</sup> AIR 1986 AP 167