

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

C.M.A.M.P.No.1761 of 2014 in/and C.M.A.No.555 of 2006

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

C.M.A.No.555 of 2006, under Section 28 of the Hindu Marriage Act, 1955 (for brevity "the Act") is filed by the appellant/husband aggrieved by the order and decree dated 24.01.2006 in O.P.No.42 of 2000 passed by the Senior Civil Judge, Madanapalle, Chittoor District, dismissing the petition filed by him against the respondent/wife under Section 13(1) (ia) and (ib) of the Act, seeking dissolution of marriage.

2. During the pendency of the appeal, the appellant/husband has filed a petition being C.M.A.M.P.No.1761 of 2014 under Order 23 Rule 3 of C.P.C., seeking to record compromise and grant a decree of divorce in terms of the Memorandum of Compromise annexed to the petition, which was signed by both the parties along with their advocates, wherein it is stated that they have settled the disputes amicably and the appellant/husband has agreed to pay a sum of Rs.5,00,000/- towards permanent alimony to the respondent/wife and sought for dissolution of marriage performed on 13.10.1994 between them in terms of the said Memorandum of Compromise.

3. When the matter is called, both the parties are present before this Court along with their advocates, who identified the respective parties, and requested to dispose of the appeal in terms of the settlement arrived at between them and grant a decree of divorce dissolving the marriage between the parties in terms of the said Memorandum of Compromise.

The respondent/wife has acknowledged receipt of Rs.5,00,000/- (Rupees five lakhs only) by way of a cheque from the appellant/husband.

4. In view of the settlement arrived at between the parties pursuant to the Memorandum of Compromise, C.M.A.M.P.No.1761 of 2014 is allowed. Consequently, C.M.A.No.555 of 2006 is allowed, setting aside the order and decree dated 24.01.2006 passed by the Court below, in terms of the Memorandum of Compromise and the marriage between appellant and respondent stands dissolved. The terms of Memorandum of Compromise shall form part of the decree.

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

JUSTICE R. SUBHASH REDDY

JUSTICE A.SHANKAR NARAYANA

07.09.2015.
Msr

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