

HON'BLE SRI JUSTICE R. SUBHASH REDDY

AND

HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

C.M.A.No.574 of 2010 with C.M.A.M.P.No.755 of 2015

-

COMMON JUDGMENT : (Per Justice R. Subhash Reddy)

The appeal in C.M.A.No.574 of 2010 is filed under Section 28 of the Hindu Marriage Act, 1955 by the petitioner in H.M.O.P.No.3 of 2008, aggrieved by the order and decree dated 09.06.2010, passed by the Senior Civil Judge, Bobbili.

The aforesaid H.M.O.P.No.3 of 2008 is filed by the appellant herein under Section 13(1)(ib) of Hindu Marriage Act, 1955, for dissolution of his marriage with the respondent by granting decree of divorce. The trial Court, by order and decree dated 09.06.2010, dismissed the said petition. Aggrieved of the same, this appeal is filed.

During the pendency of this appeal, the parties have filed petition in C.M.A.M.P.No.755 of 2015 under Order 23 Rule 3 of C.P.C., to allow the appeal in terms of the compromise arrived at by them.

In the affidavit filed in support of C.M.A.M.P.No.755 of 2015, it is stated that at the instance of elders and well-wishers, they have settled the matter amicably and decided to seek dissolution of their marriage. Along with the petition, a memorandum of compromise is also filed, as per which, the appellant has agreed to pay an amount of Rs.8,50,000/- to the respondent towards her permanent alimony, and has already paid Rs.8,00,000/- by way of demand draft and Rs.50,000/- in cash.

When the matter is taken up, the parties are present in person and they are identified by their respective counsel. Respondent has

agreed receipt of Rs.8,00,000/- by way of demand draft and Rs.50,000/- in cash from the appellant.

In view of the request made by the parties and in view of the reasons stated in the affidavit filed in support of C.M.A.M.P.No.755 of 2015, the said petition is allowed as prayed for. Consequently, C.M.A.No.574 of 2010 is allowed, granting decree of divorce by mutual consent, dissolving the marriage between the appellant and respondent, subject to the terms and conditions as stated in the memorandum of compromise. The terms of compromise shall form part of decree. No order as to costs.

Miscellaneous applications pending, if any, shall stand closed.

R. SUBHASH REDDY, J

A.SHANKAR NARAYANA, J

10th June 2015

ajr