

HON'BLE SRI JUSTICE R.SUBHASH REDDY

AND

THE HON'BLE SRI Dr. JUSTICE B. SIVA SANKARA RAO

C.M.A.M.P.No.57 of 2015 in/and C.M.A.No.957 of 2012

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

C.M.A.No.957 of 2012, under Section 28 of the Hindu Marriage Act, 1955, is filed against the order and decree dated 11.07.2012 in O.P.No.265 of 2010 passed by the III-Additional Senior Civil Judge, Kakinada, whereby the petition filed by the appellant-husband against the respondent-wife, under Section 13(1) (ia) and (ib) of the Hindu Marriage Act, 1955, for dissolution of their marriage performed on 25.08.2007, was dismissed.

During the pendency of the appeal, the appellant-husband filed a petition being C.M.A.M.P.No.57 of 2015 under Order 23 Rule 3 of C.P.C., seeking to record the compromise and grant a decree of divorce as per the terms and conditions of Memorandum of Compromise, dated 27.01.2015, which is signed by both the parties along with their advocates. In the said Memorandum of Compromise, it is stated that the appellant agreed to give Rs.14,00,000/- to the respondent-wife, by way of demand draft, towards permanent alimony and also in full and final settlement of all the claims.

When the matter is called, both the parties are present in-person and requested to dispose of the appeal in terms of the settlement arrived at between them and grant a decree of divorce by dissolving their marriage, in terms of the said Memorandum of compromise. The appellant-husband has handed over a Demand Draft bearing No.920656, dated 04.12.2014, for Rs.14,00,000/-

(Rupees fourteen lakhs only) drawn in favour of the respondent-wife towards permanent alimony and permanent settlement of all the claims, and the same is acknowledged by the respondent-wife.

In view of the above and having regard to the settlement arrived at between the parties, we deem it appropriate to dispose of the appeal in terms of the said Memorandum of compromise.

In view of the settlement arrived at between the parties pursuant to the Memorandum of compromise, dated 27.01.2015, C.M.A.M.P.No.57 of 2015 is allowed. Consequently, C.M.A.No.957 of 2012 is disposed of in terms of the Memorandum of Compromise, dated 27.01.2015, and the marriage between the appellant and the respondent stands dissolved. The terms of Memorandum of Compromise, dated 27.01.2015, shall form part of decree.

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

JUSTICE R. SUBHASH REDDY

Dr. JUSTICE B.SIVA SANKARA RAO

30.01.2015

v v

