

**HON'BLE SRI JUSTICE G. CHANDRAIAH
AND
HON'BLE SRI JUSTICE A. SHANKAR
NARAYANA**

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F.C.A M.P No.560 OF 2015

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IN/AND

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FAMILY COURT APPEAL No.339 OF 2013

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COMMON JUDGMENT: (Per Hon'ble Sri Justice A. Shankar
Narayana)

This appeal is filed by the appellant - husband under Section 19 of the Family Courts Act, 1984, aggrieved by the order and decree, dated 26-06-2013, passed in FCO.P. No.586 of 2009, by the learned Judge, Family Court, Hyderabad.

2. The aforesaid O.P. was filed by the respondent – wife herein under Sections 12 (ia), 13 (1) (i-a) (iii), 24 and 25 of the Hindu Marriage Act, 1955, seeking to grant decree of divorce by nullity of marriage solemnized between her and the appellant - husband on 11-10-2008, and to pay a sum of Rs.60.00 lakhs towards permanent alimony and also Rs.25,000/- towards maintenance. The learned Judge, Family Court, Hyderabad, by order, dated 26-06-2013, acceded to the request of the respondent - wife granting a decree of

divorce. However, the learned Judge granted a sum of Rs.10.00 lakhs towards permanent alimony payable by the appellant – husband within a period of four (04) months from the date of said order.

3. Aggrieved by the latter portion of granting Rs.10.00 lakhs towards permanent alimony, the appellant - husband preferred the instant appeal.

4. During pendency of the appeal, the appellant - husband and the respondent - wife have arrived at an amicable settlement at the intervention of elders and, accordingly, they filed Memorandum of Compromise jointly along with F.C.A. M.P. No.560 of 2015 under Order XXIII Rule 3 of Code of Civil Procedure, 1908, requesting the Court to record terms of compromise.

5. Today, when the matter is called, both the parties are present and they are identified by their respective counsel. Both the parties have admitted the contents mentioned in the memorandum of compromise and requested to dispose of the appeal by recording the terms of compromise.

6. During the course of hearing, the respondent - wife admits that she has already received a sum of Rs.5.00 lakh out of Rs.10.00 lakh to be paid when the charge sheet in C.C. No.311 of 2012 on the file of the

learned XIII Additional Chief Metropolitan Magistrate, Nampally, Hyderabad, was quashed by this Court in Crl.P. No.10435 of 2015. Today, the appellant – husband handed over demand draft bearing No.510612, dated 23-12-2015, drawn on Andhra Bank, SC-Hyderabad for Rs.5.00 lakhs towards balance amount of permanent alimony, which has to be paid by 31-12-2015, and the respondent - wife received the same and acknowledged the receipt of the same.

7. In view of the request made by the parties and having regard to the reasons stated in the affidavit filed in support of the application, F.C.A.M.P. No.560 of 2015 is allowed as prayed for. Consequently, Family Court Appeal No.339 of 2013 is disposed of in terms of the compromise. The terms of memorandum of compromise shall form part of the decree.

8. As a sequel thereto, miscellaneous applications, if any, pending in this appeal, stand disposed of.

G. CHANDRAIAH, J

A. SHANKAR NARAYANA, J

December 29, 2015.

Mgr

