

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

**FCA MP (Sr.) No.3985 of 2015
in/and
FCA No.153 of 2007**

-

JUDGMENT: (Per Justice R. Subhash Reddy)

Family Court Appeal No.153 of 2007 is filed under Section 19 (1) of the Family Courts Act, 1984, by the petitioner-husband, aggrieved by the order and decree dated 01.06.2007 passed in F.C.O.P.No.498 of 2005, by the learned Judge, Family Court, Hyderabad. By the aforesaid order, the petition filed by the petitioner-husband, under Section 13(iii) (a)(b) of the Hindu Marriage Act, 1955, seeking dissolution of his marriage with the respondent-wife, is dismissed.

2. During pendency of the appeal, FCA M.P. (Sr.) No.3985 of 2015 is filed under Order XXIII Rule 3 read with Section 151 CPC to dispose of the F.C.A., in terms of the compromise arrived at by the parties. Along with the petition, memorandum of compromise is filed in which it is stated that the petitioner and the respondent have decided to live separately and requested to dissolve the marriage by granting decree of divorce in terms of the memorandum of compromise deed arrived at.

3. When the matter is taken up for hearing, 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 marriage by grant of decree of divorce in terms of the memorandum of compromise.

4. In view of the reasons stated in the affidavit filed in support of the petition, FCA M.P. (Sr.) No. 3985 of 2015 is allowed as prayed for. Consequently, FCA No.153 of 2007 is disposed of, dissolving the marriage of the petitioner with the respondent by granting decree of divorce in terms of the memorandum of compromise. The

memorandum of compromise shall form part of the decree. However, it is made clear that the issue as regards maintenance to the respondent-wife is left open.

Consequently, miscellaneous petitions if any pending in the appeal stand disposed of. No order as to costs.

R. SUBHASH REDDY, J

Dr. B. SIVA SANKARA RAO, J

February 11, 2015
MRR