

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY
and
THE HON'BLE Dr. JUSTICE B.SIVA SANKARA RAO
F.C.A.No.107 of 2005

JUDGMENT (per RSR,J):

This appeal is filed under Section 19 of the Family Courts Act by the husband aggrieved by the order dated 29.07.2004 in O.P.No.10 of 2001, passed by the Judge, Family Court, Visakhapatnam.

The appellant and the respondent were married on 21.05.1994 at Visakhapatnam as per their caste and customary rites. It is stated that out of their wedlock, they are blessed with a daughter. Subsequently, due to the differences arose between the parties, the appellant herein has filed the above O.P. for grant of divorce under Section 13(1)(ia) and (ib) of the Hindu Marriage Act, 1955, on the ground of cruelty and the same was dismissed by the Family Court by order dated 29.07.2004. As against the same, this appeal is filed.

Subsequent to the filing of this appeal, the respondent for herself and on behalf of the minor child, filed O.S.No.51 of 2004 on the file of the Judge, Family Court, Visakhapatnam, for maintenance and the same was disposed of in terms of the compromise arrived at between the parties.

A copy of the judgment and decree dated 09.03.2011 passed in the aforesaid suit, is received as additional evidence and marked as Ex.C.1. A perusal

thereof clearly indicates that the respondent-wife agreed for dissolution of the marriage subject to the terms and conditions as mentioned in the terms of compromise, which is marked as Ex.C.2.

Learned counsel for the respondent fairly submitted that the suit was disposed of in terms of compromise and that as per the terms of compromise, the respondent agreed for dissolution of marriage between the petitioner and the respondent.

In view of the aforesaid additional evidence, this appeal is allowed by dissolving the marriage between the appellant and the respondent, granting a decree of divorce. There shall be no order as to costs.

Consequently, miscellaneous applications pending, if any, shall also stand disposed of.

R.SUBHASH REDDY, J

Date: 26.02.2015

Dr.B.SIVA SANKARA RAO, J

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(Order of the Bench delivered by the Hon'ble Sri Justice R. Subash
Reddy)

Date: 26.12.2014

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