

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND
THE STATE OF ANDHRA PRADESH**

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C.M.A.No.88 of 2013

Between:

Gadiputi Janardhan Naidu

.. Appellant

and

Gadiputi Rajeswari

.. Respondent

DATE OF JUDGMENT PRONOUNCED: July 13, 2015

SUBMITTED FOR APPROVAL:

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**THE HON'BLE SRI JUSTICE R. SUBHASH REDDY
AND
THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA**

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| 1. Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be marked to Law Reporters/Journals? | Yes/No |
| 3. Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment? | Yes/No |

**THE HON'BLE SRI JUSTICE R. SUBHASH REDDY
AND
THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA**

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C.M.A.No.88 OF 2013
AND
C.M.A.MP.No.935 OF 2015

JUDGMENT: (Per Hon'ble Sri Justice R. Subhash Reddy)

The appeal, under Section 28 of the Hindu Marriage Act, 1955, is filed aggrieved by the order and decree, dated 04.12.2012, passed in O.P.No.31 of 2012 by the Senior Civil Judge, Dharmavaram.

The appellant filed the aforesaid O.P., under Section 13 (1) (ia) and (1) (iii) of the Hindu Marriage Act, 1955, seeking dissolution of marriage performed between himself and the respondent by way of decree of divorce on the grounds of cruelty and mental disorder. The Family Court, by impugned order, dated 04.12.2012, dismissed the O.P.. Aggrieved by the same, the present appeal is preferred in the year 2013.

During pendency of the appeal, the appellant has filed C.M.A.MP.No.935 of 2015, under Order XXIII Rule 3 read with Section 151 C.P.C., to record the compromise as per the Family Settlement Deed, dated 20.12.2014, annexed to the petition, and to dissolve the marriage performed between himself and the respondent in terms of the compromise. Apart from the Family Settlement Deed, a Memorandum of Compromise is also annexed to the petition.

In the Family Settlement Deed and in the Memorandum of Compromise, it is stated that at the intervention of elders, the parties have settled the dispute and agreed to dissolve the marriage by mutual consent and the appellant has agreed to pay an amount of Rs.10,00,000/- (Rupees ten lakhs) to the respondent towards permanent alimony.

Earlier, a Division Bench of this Court in the case of **In re Jakkula Venkata Ramana Murthy and another**^[1], held that when an appeal is preferred to this Court by either of the spouses and at the appellate stage if they seek a decree for divorce by mutual consent, this Court need not adhere to the statutory time limit enacted in Section 13-B (2) of the Hindu Marriage Act.

When the matter is called, the parties, who are present in person and who have been identified by their respective counsel, have requested to dispose of the appeal in terms of the Memorandum of Compromise annexed to the petition. As per the terms of compromise, appellant has paid Rs.10,00,000/- to the respondent towards permanent alimony. Respondent – wife accompanied by her father, admitted that she has received an amount of Rs.10,00,000/- in terms of the compromise.

In view of the reasons stated in the affidavit filed in support of C.M.A.MP.No.935 of 2015, the petition is allowed as prayed for. Consequently, the appeal is allowed by setting aside the impugned order, dated 04.12.2012, and by dissolving the marriage performed between the appellant and the respondent by mutual consent in terms of the Memorandum of Compromise. The Memorandum of Compromise shall form part of the decree.

Miscellaneous Petitions, if any, pending in this appeal shall stand closed. No costs.

R. SUBHASH

REDDY, J

A. SHANKAR

NARAYANA, J

July 13, 2015

MD

[\[1\]](#) 1992 (3) ALT 381 (D.B.)