

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

**FCA MP No.57 of 2015 in FCA No.357 of 2013
&
FCA No.357 of 2013**

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JUDGMENT: (Per Justice R. Subhash Reddy)

F.C.A. No.357 of 2013 is filed by the petitioner-husband aggrieved by the order and decree dated 30.07.2013 passed in O.P. No.1006 of 2011, by the Additional Family Court, Hyderabad. The aforesaid petition filed by the petitioner-husband under Section 13(1)(i)(ia), 1(iii) of Hindu Marriage Act, 1955, seeking dissolution of his marriage with the respondent-wife, that was performed on 10.04.2008, was dismissed. The said O.P. was dismissed by order dated 31.07.2013. Aggrieved by the same, the appellant filed FCA No.357 of 2013.

2) During pendency of the appeal, FCA MP No.57 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 memorandum of understanding arrived between the parties. Along with the petition, memorandum of understanding is filed in which it is stated that at the intervention of elders, they settled the dispute and the marriage be dissolved by granting decree of divorce, in terms of the memorandum of understanding.

3) When the matter is called for hearing, both the parties are present and they are identified by their respective counsel. The respondent stated that she already received an amount

of Rs.38,00,000/- (Rupees thirty eight lakhs only) in terms of memorandum of understanding dated 09.02.2015.

4) 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 memorandum of understanding.

5) Accordingly, FCA MP No.57 of 2015 is allowed. Consequently, FCA No.357 of 2013 is also allowed, dissolving the marriage between the petitioner and the respondent, by granting decree of divorce in terms of the memorandum of understanding, which shall form part of the decree. Consequently, miscellaneous petitions if any pending in the appeal stand disposed of. No order as to costs.

JUSTICE R. SUBHASH REDDY

Dr. JUSTICE B.SIVA SANKARA

RAO
February 10, 2014
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