

HON'BLE SRI JUSTICE R. SUBHASH REDDY

AND

HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

F.C.A.M.P.No.520 of 2015 and F.C.A.No.17 of 2013

COMMON JUDGMENT : (Per Justice R. Subhash Reddy)

The appeal in F.C.A.No.17 of 2013 is filed under Section 19 of the Family Courts Act, by the petitioner in O.P.No.2 of 2010 on the file of Family Court, Prakasam at Ongole, aggrieved by order dated 31.10.2012, dismissing the said O.P. filed under Section 13(1)(ia)(iii) of the Hindu Marriage Act, 1955, for grant of decree of divorce dissolving the marriage of appellant herein with respondent, which took place on 11.05.2003.

During the pendency of this appeal, parties have filed F.C.A.M.P.No.520 of 2015 under Order 23 Rule 3 r/w.Sec.151 of C.P.C., seeking to dispose of the appeal by dissolving their marriage, in view of the settlement arrived between them on 22.08.2015. A copy of the settlement which is reduced into writing on 22.08.2015, is also enclosed. However, in the said settlement, the minor daughter of appellant and respondent is also shown as a party.

When the matter is called for hearing, the appellant and respondent are present and they are identified by their Advocates on record and they have requested to dispose of the appeal by granting decree of divorce subject to agreed conditions, so far as they are concerned. It is stated that pursuant to the compromise deed, the appellant has agreed to pay an amount of Rs.10,50,000/- towards permanent alimony to the wife and a further sum of Rs.10,50,000/- towards maintenance of minor daughter, and cheques to that effect, are handed over to the respondent Smt.N.Bhargavi in the Court, who has received and acknowledged the same.

In view of the reasons stated in the affidavit filed in support of FCA.MP.No.520 of 2015, the said petition is allowed as prayed for. Consequently, F.C.A.No.17 of 2013 is also allowed, dissolving the marriage of appellant with respondent, subject to the terms and conditions as incorporated in the memorandum of compromise, so far as they are concerned. It is made clear that such compromise recorded between the husband and wife is not binding on their minor daughter, insofar as her rights are concerned. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

R. SUBHASH REDDY, J

A.SHANKAR NARAYANA, J

7th October 2015

ajr