

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

FCA.MP.Nos.95, 96 and 166 of 2016

in/and

Family Court Appeal No.45 of 2014

Dated 13th April, 2016

Between:

Kalvaina Ramesh

...Appellant

And

Smt.Swapna

...Respondent

Counsel for the appellant: Sri K.V.Subba Reddy

Counsel for the respondent: Sri Dida Vijay Kumar

The Court made the following:

JUDGMENT: (per Hon'ble Sri Justice C.V.Nagarjuna Reddy)

The unsuccessful petitioner in O.P.No.1060 of 2010, on the file of the learned Judge, Additional Family Court at Hyderabad filed this appeal feeling aggrieved by the dismissal of the said OP filed for dissolution of marriage between him and the respondent.

For convenience, the parties are referred to as they are arrayed in the appeal.

The appellant has filed FCA.MP.No.166 of 2016 for amendment of the prayer in the OP by granting decree of divorce by mutual consent under Section 13-B of the Hindu Marriage Act, 1955 (for short 'the Act'). FCA.MP.No.95 of 2016 is filed to permit the appellant and

the respondent to enter into a compromise. Both the parties have also filed FCA.MP.No.96 of 2016 for granting divorce by mutual consent. Along with this application, they have filed original of memorandum of understanding, dated 04.02.1016, wherein the parties have *inter alia* agreed for dissolution of marriage subject to the appellant paying the respondent a sum of Rs.6,22,116/- through a demand draft, dated 30.01.2016, and also a sum of Rs.50,000/- in the form of cash.

At the hearing, both the parties are personally present and informed the Court that they have entered into the memorandum of understanding out of their free will and consent. The appellant has also handed over the demand draft for the sum of Rs.6,22,116/-. The respondent has stated that she has received the cash of Rs.50,000/-.

In the light of the above facts, FCA.MP.Nos.95, 96 and 166 of 2016 are allowed and the OP is allowed by granting decree of dissolution of marriage between the appellant and the respondent by waiving the compulsory waiting period under Section 13-B(2) of the Act. The terms of memorandum of understanding shall be incorporated in the decree to be passed in the FCA.

Consequently, the FCA stands disposed of.

C.V.NAGARJUNA REDDY, J

M.S.K.JAISWAL, J

13th April, 2016
VGB