

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

AND
THE HON'BLE SRI JUSTICE G.SHYAM PRASAD

F.C.A.M.P.No.232 of 2016
in/and
F.C.A.No.99 of 2007

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17.06.2016

Between:

Sunkasari Anandraju

..Appellant/Petitioner

And

Smt.S.Sangeetalaxmi

..Respondent

Counsel for the Appellant/Petitioner: Mr.A.Ananthsen Reddy

Counsel for the respondent: Mr.P.Durga Prasad

The Court made the following:

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COMMON ORDER: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

The unsuccessful petitioner in F.C.O.P.No.715 of 2004 on the file of the Judge, Family Court, Hyderabad, filed for dissolution of marriage with the respondent, preferred this appeal aggrieved by the dismissal of the said F.C.O.P. The appellant filed F.C.A.M.P.No.232 of 2016 for disposal of the appeal in terms of memorandum of compromise, dated 16.06.2016. The parties are hereinafter referred to as they are arrayed in the appeal.

2. At the hearing, both the appellant and the respondent are personally present. The respondent has stated that in view of continuing incompatibility between herself and her husband, she has decided to agree for divorce by mutual consent. Both the parties have stated that they have entered into a compromise out of their free will and consent and they have requested the Court to grant divorce by mutual consent under Section 13-B of the Hindu Marriage Act, 1955 (for short 'the Act').

3. Though a formal application for amendment of the prayer in F.C.O.P.No.715 of 2004 has not been filed, considering the fact that both the parties have reached an out of Court settlement and are desirous of obtaining divorce by mutual consent, we deem it appropriate that F.C.O.P.No.715 of 2004 shall be treated as the one filed under Section 13-B of the Act and the marriage between them be dissolved by mutual consent, subject to the terms of memorandum of compromise dated, 16.06.2016.

4. Accordingly, F.C.A.M.P.No.232 of 2016 is allowed. The order under appeal, dated 14.05.2007, in F.C.O.P.No.715 of 2004 is set aside and F.C.O.P.No.715 of 2004 is decreed by treating the same as having been filed under Section 13-B of the Act, subject to the terms

contained in the memorandum of compromise, dated 16.06.2016, filed along with F.C.A.M.P.No.232 of 2016. F.C.A.No.99 of 2007 is, accordingly, disposed of.

C.V.NAGARJUNA REDDY, J

G.SHYAM PRASAD, J

17th June, 2016
GHN

