HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
HON'BLE SRI JUSTICE M.S.K.JAISWAL

F.C.A.No.27 of 2007
and
FCAMP Nos.182 and 193 of 2016
In/and
F.C.A No.269 of 2009

Date: 28.04.2016

Between:
Ch. Praveena,
W/o.P. Jaya Bharath

....Appellant

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And:
P. Jaya Bharath,
S/o. Sesha Chary,
Hyderabad.

.....Respondent

Counsel for the Appellant: Sri Y. Shashidhar Reddy

Counsel for Respondent: Sri T. Subhash Reddy

The Court made the following:

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

F.C.A.No.27 of 2007 is filed against common order dated 21.11.2006 in F.C.O.P.No.504 of 2005 and counter claim on the file of the Judge, Family Court, Secunderabad, insofar as it pertains to dismissal of the O.P filed by the appellant for dissolution of marriage.

F.C.A.No.269 of 2009 is filed by the appellant in F.C.A.No.27 of 2007 against the abovementioned order to the extent of granting decree for restitution of conjugal rights in favour of the respondent.

The appellant has filed F.C.A.M.P.No.193 of 2016 in F.C.A.No. 269 of 2009 to record the compromise and grant decree of divorce by mutual consent. In support of this application, she has filed an affidavit, wherein she has stated that during the pendency of the appeals, both the parties have decided to settle the dispute and that in pursuance thereof, they have entered into a Joint Memorandum of Compromise dated 22.01.2015. The said memorandum is filed along with the application.

The appellant has also filed F.C.A.M.P.No. 182 of 2016 seeking amendment of prayer in O.P.No.504 of 2005 for grant of decree of divorce by mutual consent as per Section 13 (B) of the Hindu Marriage Act, 1955 (for short 'the Act') instead of under Section 13(1)(i)(ia) of the Act.

At the hearing, both the appellant and the respondent are personally present and they have informed the Court that they have entered into the memorandum of compromise out of their free will and consent and that the Court may grant decree of divorce by mutual consent.

In the light of the above facts, F.C.A.M.P.No.182 of 2016 in F.C.A No.269 of 2009 is allowed and the prayer in O.P.No.504 of 2005 is amended.

F.C.A.M.P.No.193 of 2016 in F.C.A.No.269 of 2009 is allowed

and the decree of divorce by mutual consent is granted in terms of memorandum of compromise dated 22.01.2015.

Accordingly, the impugned common order dated 21.11.2006 in F.C.O.P.No.504 of 2005, on the file of the Judge, Family Court, Secunderabad, is set aside and F.C.A.Nos.27 of 2007 and 269 of 2009 stand disposed of.

As a sequel, F.C.A.M.P.No.52 of 2007 in F.C.A.No.27 of 2007 filed by the appellant for interim relief stands disposed of as infructuous.

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C.V.NAGARJUNA REDDY, J

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M.S.K.JAISWAL, J

Date: 28.04.2016

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