

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

FCAMP.Nos.25 & 26 of 2016

IN/AND

F.C.A.No.325 of 2012

DATED:16-02-2016

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Between:

Marri Ankaraj, s/o. Pochaiah, aged 30 years,
Occ: Private Employee, R/o. 11-3-354/42,
Parsigutta, Sanjeevapuram, Secunderabad.

... Appellant

And

M.Pushpalatha, D/o. Thandra Yellappa,
Aged 27 years, Occ: House Wife,
R/o H.No.1-6-212/65/107/19,
Gangaputra Colony, Zamistanpur, Hyderabad.

... Respondent

... Respondents

COUNSEL FOR THE APPELLANT: Mr. A.Chandra Sekhar

COUNSEL FOR THE RESPONDENT: Ms. K. Radhika for Mr.
V.Raghu.

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

The appellant filed F.C.A.No.325 of 2012 feeling aggrieved by order, dated 12.09.2012, in F.C.O.P.No.617 of 2010 on the file of Judge, Family Court-cum-Additional Chief Judge, City Civil Court at Secunderabad, whereby he has dismissed the said O.P., declining to grant decree for dissolution of marriage between the parties under Section 13 (1) (ia) of the Hindu Marriage Act, 1955 (for short, 'the Act').

The appellant has filed FCAMP.No.25 of 2016 to permit him to amend the prayer in O.P.No.617 of 2010 by substituting the same with the prayer "for grant of decree of divorce by mutual consent under Section 13-B of the Act". He has also filed FCAMP.No.26 of 2016 for grant of decree of divorce by mutual consent. Along with FCAMP.No.25 of 2016, the appellant has filed a copy of the deed of matrimonial settlement by mutual consent, whereunder both parties have agreed for dissolution of marriage by mutual consent; that in paragraph 3 thereof,

the appellant agreed to pay a sum of Rs.10,00,000/- to the respondent as permanent alimony towards full and final settlement of the claim of the respondent; and that the respondent has received a sum of Rs.5,00,000/- through Banker's cheque No.217656 dated 02.11.2015 drawn on State Bank of India, Padmaranagar Branch, Secunderabad. The appellant agreed to pay the balance amount of Rs.5,00,000/- at the time of passing of decree of divorce by mutual consent.

Both parties are personally present before the Court. This Court has tried to bring in reconciliation between the parties. Though the respondent has expressed her willingness to join her husband, the latter was firm in his stand that he needs divorce. Eventually, the respondent has agreed for grant of divorce by mutual consent. She has also stated that she has received a cheque for the balance sum of Rs.5,00,000/-.

In the above facts and circumstances of the case, FCAMP.No.25 of 2016 is allowed.

Though, in ordinary course, the parties need to wait for a period of six months for granting divorce by mutual consent, as the amendment dates back to the date of filing of the O.P and six months period having elapsed

long back, we find it not necessary to keep the parties wait any longer.

Accordingly, FCAMP.No.26 of 2016 is also allowed and FCA.No.325 of 2012 is disposed of in terms of deed of matrimonial settlement by mutual consent, dated 03.11.2015, and the marriage between the appellant and the respondent is dissolved by mutual consent in terms of the said settlement.

As a sequel, FCAMP.No.718 of 2012 shall stand disposed of as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

JUSTICE M.S.K.JAISWAL