

**THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI**

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F.C.A.M.P.NO.308 OF 2016 IN F.C.A.NO.19 OF 2013
AND F.C.A.NO.19 OF 2013

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J U D G M E N T

(per Hon'ble Sri Justice Sanjay Kumar)

F.C.A.No.19 of 2013 was filed by the wife aggrieved by the dismissal of O.P.No.950 of 2007 filed by her before the learned Judge, Additional Family Court, Hyderabad, seeking dissolution of the marriage under Section 13(1)(ia) of the Hindu Marriage Act, 1955. By common order dated 17.10.2012, the learned Judge, Additional Family Court, Hyderabad, dismissed the wife's O.P. for dissolution of the marriage and allowed O.P.No.580 of 2007 filed by the respondent-husband seeking restitution of conjugal rights under Section 9 of the Hindu Marriage Act, 1955.

It is stated that F.C.A.No.20 of 2013 was filed by the wife assailing the common order in so far as it pertains to O.P.No.580 of 2007.

While so, F.C.A.M.P.No.308 of 2016 was filed by the appellant-wife, supported by an affidavit, wherein she stated that after the filing of this appeal, she and the respondent settled their disputes amicably and entered into a memorandum of compromise. She therefore prayed that the said compromise may be recorded and a decree may be passed in terms thereof. The joint compromise memo dated 08.08.2016 signed by the appellant-wife, the respondent-husband and both the learned counsel representing them is also placed on record.

The parties are present in person before this Court and produced their photo identify proof. The learned counsel representing them also identified their respective clients. Both parties expressed their consent to the compromise as recorded in the joint compromise memo dated 08.08.2016 and their willingness to have the appeal disposed of in terms thereof.

In terms of the said joint compromise memo, the appellant and the respondent agreed to go for a decree of divorce by mutual consent dissolving their marriage and also agreed to withdraw the cases filed against

each other. The compromise memo also records the settlement with regard to the custody of their minor daughter and the respective claims of the parties. The details of the compromise are set out at length in the joint compromise memo which shall be made part of this judgment.

F.C.A.M.P.No.308 of 2016 is ordered and the appeal is accordingly disposed of setting aside the common order dated 17.10.2012 passed by the learned Judge, Additional Family Court, Hyderabad, in so far as it pertains to O.P.No.950 of 2007. The decree shall be drawn up in terms of the joint compromise memo. The parties have also consented that F.C.A.No.20 of 2013 would be rendered infructuous and may be dismissed by this Court as such.

SANJAY KUMAR, J

M.SEETHARAMA MURTI, J

8th AUGUST, 2016

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