

**THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
THE HON'BLE SRI JUSTICE G.SHYAM PRASAD**

F.C.A.M.P.No.114 of 2016

IN/AND

F.C.A.No.323 of 2013

Date:24.06.2016

Between:

J. Vasantha, w/o. J.Amarender,

.. Petitioner/Appellant

And

J. Amarender, s/o. J. Sathaiah.

.. Respondent/Respondent

Counsel for the Petitioner/Appellant: Mr. T.Viswanadha Sastry

Counsel for the Respondent/Respondent: Mr. G.Nagesh

THE COURT MADE THE FOLLOWING:

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

The Family Court Appeal is filed against order dated 08.10.2012 in O.P.No.920 of 2010 on the file of the Judge, Additional Family Court at Hyderabad, whereby he has dismissed the said O.P filed by the appellant under Section 13 (1) (1A) of the Hindu Marriage Act, 1955 (for short 'the Act'), for grant of divorce by dissolving the marriage performed on 14.06.2009 between the appellant and the respondent.

The appellant has filed FCAMP.No.114 of 2016 for granting decree of divorce by mutual consent in accordance with the terms of compromise filed along with the application. The appellant as well as the respondent have filed separate affidavits sworn to on 25.02.2016, wherein both of them have stated that with the intervention of elders, they have decided to separate and that, therefore, a decree for dissolution of marriage by mutual consent may be granted. Along with the application, both parties have jointly signed the terms of compromise.

At the hearing, the appellant and the respondent are personally present and both of them informed the Court that they have entered into compromise for obtaining decree of divorce by mutual consent out of their free will and consent. They have, accordingly, requested the Court to grant decree of divorce by mutual consent.

Though the appellant has filed the O.P before the Family Court under Section 13 (1) (1A) of the Act, considering the fact that they have agreed for grant of divorce by mutual consent and the

minimum period of six months required under Section 13-B of the Act having expired long back, we feel that interests of justice would be better served if O.P.No.920 of 2010 is treated as the one filed under Section 13-B of the Act.

Accordingly, FCAMP.No.114 of 2016 is allowed and FCA.No.323 of 2013 is disposed of in terms of compromise, dated 23.02.2016, and the order and decree under appeal are set aside. O.P.No.920 of 2010 on the file of the Judge, Additional Family Court at Hyderabad, is decreed under Section 13-B of the Act, subject to the terms of the said compromise, which shall form part of the record.

As a sequel to disposal of the appeal, interim order dated 25.10.2013 in FCAMP.No.571 of 2013 is vacated and FCAMP.No.571 of 2013 is disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

G.SHYAM PRASAD, J

24.06.2016

v v