

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

**F.C.A.M.P.No.347 of 2016 in F.C.A.No.148 of 2016 and
F.C.A.No.148 of 2016**

JUDGMENT: (per Hon'ble Sri Justice M. Seetharama Murti)

This appeal under Section 19 of the Family Courts Act, 1984 was filed by the husband aggrieved by the order dated 14.02.2013 of the learned Judge, Family Court-cum-Additional Chief Judge, City Civil Court, Secunderabad, passed in F.C.O.P.No.595 of 2010. F.C.O.P.No.595 of 2010 was filed by the appellant/husband seeking dissolution of his marriage with the respondent/wife under Section 13(1)(ia) of the Hindu Marriage Act, 1955. By the order under appeal, the Family Court dismissed the above-said F.C.O.P.

While so, the appellant/husband filed F.C.A.M.P.No.347 of 2016 stating that the parties had settled the matter out of Court and entered into a memorandum of compromise. It is also stated that as the appellant-husband and his wife are living separately since six years and as there is no chance of reunion, they have decided to dissolve the marriage by mutual consent and that in view of amicable settlement, a sum of Rs.2,50,000/- was agreed to be paid towards permanent alimony by the husband to wife and that the husband has already paid a sum of Rs.1,50,000/- towards first instalment and that the balance of Rs.1,00,000/- would be paid before the Court at the time of recording the compromise. Thus, the matter is fully and finally settled between the parties.

The parties are present in person before this Court and produced their photo identity proof. Learned counsel appearing for the parties also identified their respective clients.

When asked by the Court, both the parties signified their consent to the passing of a decree of divorce in terms of the compromise arrived at between them.

The respondent-wife admitted before this Court that she received the balance amount of Rs.1,00,000/- from the appellant-husband today. The Memorandum of Compromise signed by both the parties and their respective counsel is placed on record.

Since the parties are living separately since six years and have agreed to a decree of divorce on the ground of mutual consent, we dispense with the mandatory waiting period of six months. The marriage between the parties is accordingly dissolved by way of a decree of divorce by mutual consent. The terms and conditions of the memorandum of compromise shall form part of the decree and shall be binding on the parties.

F.C.A. (SR) No.19815 of 2013 is allowed accordingly and the order impugned in this appeal is set aside. F.C.A.M.P.No.347 of 2016 is ordered.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

M. SEETHARAMA MURTI, J

Date:08.09.2016

GJ