

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M.S.K. JAI SWAL

CIVIL MISCELLANEOUS APPEAL No.12 of 2005

JUDGMENT: (Per Hon'ble Sri Justice Sanjay Kumar)

This civil miscellaneous appeal under Section 19 of the Family Courts Act, 1984, arises out of the order dated 24.09.2003 passed by the learned Judge, Family Court, Secunderabad, in O.P.No.66 of 2002. The said O.P. was filed by the respondent/husband under Section 10(x) of the Divorce Act, 1869, as amended by the Indian Divorce (Amendment) Act, 2001, seeking dissolution of his marriage with the appellant/wife and to grant him a decree of divorce. By the order under appeal, the Family Court allowed the O.P.

By order dated 08.02.2005 passed in C.M.P.No.26 of 2005 filed in this appeal, this Court granted an interim injunction restraining the respondent/husband from remarrying pending the appeal.

It appears that a settlement agreement was entered into between the parties during the pendency of this appeal but the respondent/husband did not comply with the conditions stipulated therein. This Court took note of the said fact on 17.11.2016 and recording that the settlement between the parties had failed, posted the appeal for hearing.

While so, it is now stated before us by Sri S.R. Sanku, learned counsel for the respondent/husband, that pursuant to the terms of the settlement arrived at between the parties, a sum of Rs.20,00,000/- had already been paid by the respondent/husband to the appellant/wife, which fact is also admitted by Sri Govardhan Venu, learned counsel for the appellant/wife. In addition to the aforestated amount of Rs.20,00,000/-,

a Manager's Cheque bearing No.051669 dated 01.12.2016 drawn on HDFC Bank, Sanjeeva Reddy Nagar Branch, Hyderabad, in the name of the appellant/wife, R. Padmaja, for a sum of Rs.5,00,000/- is handed over to Sri Govardhan Venu, learned counsel, in open Court.

Both the learned counsel stated that in the light of this financial settlement made by the respondent/husband in favour of the appellant/wife, she is not interested in pursuing this appeal.

Recording the said statement, the appeal is dismissed confirming the decree of divorce granted by the Family Court, Secunderabad, in O.P.No.66 of 2002. The settlement agreement dated 11.07.2016 signed by the parties before the mediator, K. Radhika, shall be binding upon the parties and shall form part of this judgment and decree.

Pending miscellaneous petitions, if any, shall also stand dismissed.
No order as to costs.



SANJAY KUMAR, J

M.S.K. JAI SWAL, J

16th December, 2016
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