HON'BLE SRI JUSTICE G. CHANDRAIAH
AND
HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

C.M.A.M.P. No.391 OF 2016
IN/AND
C.M.A. No.970 OF 2010

COMMON JUDGMENT: (Per Hon'ble Sri Justice A. Shankar Narayana)

The instant appeal is preferred by the appellant - husband, aggrieved by the order and decree, dated 14-09-2010, in O.P. No.81 of 2007, passed by the learned Senior Civil Judge, Tadepalligudem, refusing to grant decree of divorce dissolving the marriage between him and the respondent - wife.

2. It appears that the respondent - wife filed maintenance case in M.C. No.1 of 2008 on the file of the Additional Judicial Magistrate of First Class, Tadepalligudem, West Godavari District to grant maintenance. She also filed Crl.M.P. No.172 of 2013 on the file of the very same Court.

3. During pendency of the proceedings in Crl.M.P. No.172 of 2013, the parties approached Lok Adalat held at Tadepalligudem, where they entered into a compromise and, accordingly, an award was passed by the Lok Adalat

Committee in Lok Adalat Case No.15 of 2016 recording the compromise thus:

"

1. The respondent paid Rs. 3,25,000/- to the petitioner Rs.3,00,000/- (three lakhs) by way of D.D.No.664415 dated: 23-12-2015 Drawn on Andhra Bank, Elurupadu and cash of Rs.25,000/- (twenty five thousand only) to the petitioner towards permanent alimony of petitioner before lok adalat, Tadepalligudem.
2. The respondent also hands over two silver plates and two silver glasses to the petitioner before lok adalat, Tadepalligudem.
3. The respondent also handover to the D.D. for Rs.2,00,000/- (two lakhs only) bearing D.D.No.664414 dated 23-12-2015 Drawn on Andhra Bank, Elurupadu to the petitioner counsel Sri Muddana Srinivasarao with a condition fulfill with divorce proceedings.
4. The petitioner willing to cooperate for granting divorce.
5. The petitioner agreed to dissolve the marriage which was performed on 12.02.2003 in between the petitioner and respondent by way of extend her cooperation in CMA 970 /2010 on the file of High court of Judicature at Hyderabad for the state of Telangana and the state of Andhra Pradesh. If the petitioner fails to extend her cooperation for dissolving marriage the Rs.2,00,000/- (two lakhs) D.D. bearing No.664414 has to be returned to the respondent unconditionally. The petitioner extend her cooperation in CMA 970 /2010 divorce proceedings the Rs.2,00,000/- D.D. has to be given to the petitioner.
6. The petitioner and respondent agreed they shall not violate the terms of compromise."

Thus, Clause 5 of the above compromise would show that the respondent - wife herein incidentally, petitioner in

Crl.M.P. No.172 of 2013 expressed that she would cooperate for granting divorce dissolving the marriage took place between her and the appellant - husband in the instant appeal.

4. Accordingly, C.M.A.M.P. No.391 of 2016 is filed by both the parties under Order XXIII, Rule 3 of Code of Civil Procedure, 1908, seeking to record the compromise entered by them in terms of the award passed by the Lok Adalat Committee, Tadepalligudem.

5. Today, when the matter is called, both the parties are present before us and they are identified by their respective counsel. When we explained the terms recorded in the award passed by the Lok Adalat, they both expressed that they entered into such compromise and pursuant to the same, award was passed. We are satisfied of the adjustment between the parties in terms of the award passed by the Lok Adalat Committee.

6. In compliance of Clause 1 of the award, the respondent - wife expressed that she had already received Rs.3,00,000/- (Rupees three lakhs) and Rs.25,000/- (Rupees twenty five thousand) by way of cash before the Lok Adalat Committee, Tadepalligudem, and even two silver plates and two silver glasses were already received by her before the Lok Adalat Committee. Pursuant to Clause 5, Demand Draft bearing No.664414, dated 23-12-2015, drawn on Andhra Bank, Elurupadu, for

Rs.2,00,000/- (Rupees two lakhs) is, now, handed over to the respondent – wife.

7. In view of the above, compromise is recorded and the terms of compromise including the award passed by the Lok Adalat, referred to in the above, shall form part of the record.

8. Accordingly, C.M.A.M.P. No.391 of 2016 is disposed of. Consequently, C.M.A. No.970 of 2010 is allowed in terms of the compromise granting decree of divorce by dissolving the marriage between the appellant and the respondent that took place on 12-02-2003.

9. As a sequel thereto, miscellaneous applications, if any, pending in this appeal, stand disposed of.

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G. CHANDRAIAH, J

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A. SHANKAR NARAYANA, J

March 15, 2016.

Mgr