

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

F.C.A.M.P.No.433 of 2016
in/and
FAMILY COURT APPEAL No.133 of 2014

27.10.2016

Between:

S.Praison, S/o A.Selvaraj

..Applicant/Appellant

And

Liby Annie Paul,

W/o S.Praison

..Respondent

Counsel for the applicant/appellant: Mr. William Burra

Counsel for the respondent: Mr. K.Mohan

The Court made the following:

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

The appellant in the appeal filed FCOP.No.358 of 2010 on the file of the learned Judge, Family Court, Secunderabad, under Section-10(x) of the Divorce Act, 1869 (for short 'the Act') for grant of decree of divorce for dissolution of his marriage with the respondent. Feeling aggrieved by the dismissal of the said O.P. by order, dated 08.01.2014, the unsuccessful petitioner before the Family Court filed this appeal. He has also filed FCAMP.No.433 of 2016 for disposing of the FCA by recording compromise as per the memorandum of compromise filed along with the application.

The undated memorandum of compromise filed along with the application shows that the same is signed by both the appellant and the respondent as well as their respective counsel. It is stated in the memorandum of compromise that with the intervention of the well-wishers and taking into account the prevailing circumstances, the parties have come to an understanding to separate from each other subject to the terms and conditions mentioned in Clauses-(a) to (f) therein. They have, accordingly, agreed for grant of decree for dissolution of marriage by mutual consent in terms of the memorandum of compromise.

At the hearing, both the appellant as well as the respondent are personally present along with their respective counsel. Both the parties have informed the Court that they have entered into memorandum of compromise out of their free will and consent. The learned counsel for the appellant handed over a Demand Draft

bearing No.010857, dated 24.10.2016, drawn on Axis Bank, Gachibowli, Hyderabad and also a cash of Rs.1,00,000/- (Rupees One Lakh only) to the respondent.

In the light of the above facts, we are of the opinion that in the interests of both the parties, it is necessary to dissolve the marriage between them.

Accordingly, FCOP.No.358 of 2008 filed by the appellant is converted into one filed for decree of dissolution of marriage by mutual consent under Section-10-A of the Act and a decree for dissolution of marriage by mutual consent is granted, subject to the terms and conditions contained in Clauses-(a) to (f) of the memorandum of compromise, which shall form part of the decree.

FCAMP.No.433 of 2016 and FCA.No.133 of 2014 are, accordingly, allowed.

 C.V.NAGARJUNA REDDY, J

 M.S.K.JAISWAL, J

27th October, 2016

DR