

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

and

The Hon'ble Sri Justice M.S.K.Jaiswal

Family Court Appeal Nos.195 & 258 of 2015

Date: 10.11.2016

FCA.No.195 of 2015

Between:

Bhavana Kilaru

.. Petitioner

and

Vallabhaneni Chandra Sekhar

.. Respondent

Counsel for the Petitioner :

Mr.Srinivas Bodduluri

Counsel for the respondent:

Mrs.Marella Radha

FCA.No.258 of 2015

Between:

Vallabhaneni Chandra Sekhar

.. Petitioner

and

Vallabhaneni Bhavana

.. Respondent

Counsel for the Petitioner :

Mrs.Marella Radha

Counsel for the respondent:

Mr.Srinivasa Rao Bodduluri

The Court made the following:

Common Judgment : (Per Hon'ble Sri Justice C.V.Nagarjuna Reddy)

FCA.No.195 of 2015 is filed by the wife of the respondent feeling aggrieved by dismissal of OP.No.57 of 2011 on the file of the Judge, Family Court, Ranga Reddy District at L.B.Nagar, Hyderabad (for short 'the lower Court'), which was filed by her for declaration that the marriage between her and the respondent is null and void on the ground of the latter's alleged impotency.

FCA.No.258 of 2015 is filed by the respondent in FCA.No.195 of 2015 feeling aggrieved by dismissal of OP.No.600 of 2010, filed by him for restitution of conjugal rights before the lower Court.

During the hearing of these Appeals, this Court has made an attempt to convince both the parties to settle the dispute.

The efforts of this Court have got fructified with both the parties agreeing for dissolution of marriage by mutual consent. Both the parties have signed and placed before us Memorandum of Compromise, dated 10-11-2016, with the following terms:

“i. Both the appellant and respondent agreed to compromise the matter for dissolution of their marriage dated 14-08-2008 by way of filing of petition before this Hon’ble Court of law and from today onwards there will be no matrimonial relationship between them and both of them are at liberty to lead their lives according to their wish.

ii. The appellant (wife) and the respondent (husband) herein have agreed not to initiate any legal proceedings against each other in any court of law including civil and criminal courts. The appellant wife withdraws all her allegations against the respondent-husband.

iii. That the appellant wife shall file a memo before the Hon’ble Court in CrI.A.No.760 of 2015 that she agrees for allowing the same.

iv. From this day onwards the appellant (wife) and the respondent (husband) herein are at liberty to live independently and they have no right whatsoever to interfere with the life of other.

v. The appellant wife relinquishes all her rights including ownership of Flat No.302, Door No.1-5-1055/1/302, Parimala Goutam Apartment, Maruthi Nagar, Hyderabad – 500 060.

vi. The appellant wife shall address the employer of the respondent husband that she withdraws her allegations made in earlier letter and the matter has been compromised.

vii. The appellant (wife) and the respondent (Husband) have settled all their disputes voluntarily.

viii. Both the parties affixed their signatures herein as acceptance of the memo of compromise.”

At the hearing, both the parties are personally present. They reconfirmed the contents of the Memorandum of Compromise and requested the Court to grant decree for dissolution of marriage by mutual consent.

In the light of the above facts, we treat OP.No.57 of 2011 as the one filed under Section 13-B of the Hindu Marriage Act, 1955, set aside Common Order, dated 17-06-2015, in OP.Nos.57 of 2011 and 600 of 2010 and allow OP.No.57 of 2011 by granting decree for dissolution of marriage by mutual consent subject to the terms of compromise contained in Memorandum of Compromise, dated 10-11-2016.

Accordingly, FCA.No.195 of 2015 is allowed and FCA.No.258 of 2015 is disposed of as infructuous.

As a sequel, Miscellaneous Petitions, pending if any, stand disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

(M.S.K.Jaiswal, J)

Dt: 10th November, 2016
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