

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

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

C.M.A.M.P.No.2031 of 2016

in/ and

CIVIL MISCELLANEOUS APPEAL No.139 of 2015

22.12.2016

Between:

Sunkliker Laxman

..Applicant/appellant

And

Sunkliker Anuradha

..Respondent

Counsel for the applicant/appellant: Mr.B.Vijaysen Reddy

Counsel for the respondent: Mr.Challa Sivasankar

The Court made the following:



JUDGMENT: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

The civil miscellaneous appeal is filed by the unsuccessful petitioner in O.P.No.36 of 2008, feeling aggrieved by the judgment, dated 30.08.2014, rendered therein, whereby the said O.P. filed by him seeking dissolution of marriage under Section 13(1)(ia) and (ib) of the Hindu Marriage Act, 1955 was dismissed. The appellant filed C.M.A.M.P.No.2031 of 2016 for recording compromise, wherein he has stated that during the pendency of the appeal, both the parties have entered into an understanding, as per which the appellant agreed unconditionally to withdraw the ground of cruelty and the respondent agreed for grant of divorce on the ground of desertion. He has further stated that he agreed to pay a sum of Rs.18,00,000/- to the respondent towards permanent alimony, by way of two demand drafts of Rs.9,00,000/- each. Along with this application, he has filed a memorandum of compromise signed by both the parties containing conditions (a) to (g) mentioned in para 2 thereof.

2. At the hearing, both the parties are personally present and they have informed the Court that they have entered into the aforesaid memorandum of compromise out of their free will and consent and that the respondent has received the two demand drafts from the appellant.

3. In the light of the above facts, C.M.A.M.P.No.2031 of 2016 and C.M.A.No.139 of 2015 are allowed, the judgment and decree, dated 30.08.2014, in O.P.No.36 of 2008 on the file of the Senior Civil Judge, Nirmal, are set aside and O.P.No.36 of 2008 is decreed by dissolving the marriage between the parties on the ground of desertion alone.

4. The Registry shall draft the decree in terms of the aforementioned memorandum of compromise.

5. As a sequel to allowing the C.M.A., C.M.A.M.P.No.296 of 2015 filed by the appellant seeking *ex pedite* hearing of the appeal shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

M.S.K.JAI SWAL, J

22nd December, 2016
GHN

