

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY
AND
THE HON'BLE SMT JUSTICE T. RAJANI

FCAMP.Nos.225 and 226 of 2017

In/ and
FCA.No.119 of 2017

DATED: 20.04.2017

Between

Kotte Suryakala.

...APPELLANT

And

K. Srikanth Naidu.

...RESPONDENT

COUNSEL FOR THE APPELLANT: SRI KATTA LAXMI PRASAD

COUNSEL FOR THE RESPONDENT: SMT. A. SUNITHA NAIDU



THE COURT MADE THE FOLLOWING:

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

This family court appeal arises out of order and decree dated 24.09.2014 in FCOP.No.649 of 2012 on the file of the Judge, Family Court at Secunderabad whereby he dismissed the said FCOP filed by the appellant for dissolution of marriage with the respondent under Section 13(1)(ia) of Hindu Marriage Act, 1955.

2. During the pendency of this appeal, negotiations took place between the parties resulting in their arriving at a settlement. Accordingly, both the parties together have filed FCAMP.Nos.225 and 226 of 2017 for recording compromise and dissolving the marriage between the parties by mutual consent. In the affidavit, filed in support of FCAMP.No.226 of 2017, the appellant has undertaken that she will not claim any maintenance for herself and that the respondent has clearly and unequivocally consented for continuance of the custody of Master K. Dhruva, their minor son, exclusively with the appellant herself.

3. During the hearing of this case, after filing of these applications, the issue relating to visitation rights of the respondent cropped up. On certain suggestions made by this Court, both the parties have executed a memo of additional terms of compromise wherein they have inserted clause 9 (a) to (e) to the memorandum of compromise filed along with the FCAMP.No.225 of 2017. These terms read as under:

9. a. That the respondent/father is entitled to visitation rights to visit the child on the second and fourth Sunday of every month from 11.00 AM to 1.00 PM at Indira Park, Hyderabad in the presence of Ms. Katta Sravya (Advocate) on behalf of mother of the child & Ms. Sunitha Naidu (Advocate) on behalf of father of the child;
- b. That the said arrangement is made for a period of six months and further future arrangements is to be decided between the parties;
- c. However, in the event of the father acting detrimental to the interest of the minor child and if there are any complaints what so ever by the child or by the observers, the mother can

stop the visitation rights and the father can approach the appropriate Family Court, Secunderabad under the provisions of Guardians and Wards Act, 1890 for seeking appropriate reliefs.

- d. That if the mother violates the visitation condition the father can approach the appropriate Family Court, Secunderabad under the provisions of Guardians and Wards Act, 1890 for seeking appropriate reliefs.
- e. That the Family Court, Secunderabad can pass appropriate orders without being influenced by the concession being given by the mother in terms of the compromise.

4. Both the parties are personally present. They have reiterated the contents of the memo of compromise and also the additional terms of compromise.

5. In the light of the above, both the FCAMP.Nos.225 and 226 of 2017 are allowed. FCOP.No.649 of 2012, as amended, is decreed and the marriage between the appellant and the respondent is dissolved by mutual consent subject to the memorandum of terms of compromise and additional terms of compromise between the parties as referred to above.

The family court appeal is accordingly disposed of.

JUSTICE C.V. NAGARJUNA REDDY

JUSTICE T. RAJANI

Date: 20.04.2017
LSK/DSK