

HON' BLE SRI JUSTICE SURESH KUMAR KAIT  
&  
HON' BLE SRI JUSTICE T. AMARNATH GOUD

C.M.A. No. 1058 of 2017 and F.C.A.No. 146 of 2013

COMMON JUDGMENT:- (ORAL)

(Per Hon'ble Sri Justice Suresh Kumar Kait)

Inasmuch as the question of fact and law and the parties in the two appeals are one and the same, these matters are taken up together for disposal by this Common Judgment.

The appellant is the husband and the respondent is the wife in both the appeals.

C.M.A.No. 1058 of 2017 is preferred against the order dated 05.07.2017 in H.M.O.P. No. 17 of 2013 passed by the Senior Civil Judge, Srikalahasthi, whereby the petition filed by the respondent under Section 9 of the Hindu Marriage Act, 1995 seeking restitution of conjugal rights, was allowed. F.C.A.No. 146 of 2013 is directed against the order 11.10.2012 in F.C.O.P.No. 144 of 2009 passed by the Judge, Family Court-cum-V Additional District Judge, Tirupati whereby the petition filed by the appellant under Section 13(1)(ia)(ib) of Hindu Marriage Act, 1995 seeking dissolution of his marriage with the respondent, was dismissed with costs.

In pursuance of the order dated 29.11.2017 passed by this Court in C.M.A.No. 1058 of 2017, the appellant and the respondent are personally present in the Court. This Court interacted with them at length and both the parties have

agreed to resolve their dispute on the following terms and conditions.

- 1) The appellant –husband shall pay an amount of Rs.08.00 lakhs (Rupees Eight Lakhs Only) within a period of three months from today in favour of the respondent –wife.
- 2) The appellant shall continue to pay an amount of Rs.3,500/- (Rupees Three Thousand Five Hundred Only) in favour of the minor child namely M. Aryavardhan and also pay his school/ college fee including expenses that may be incurred on books as and when need arises.
- 3) The appellant has also agreed to pay whatsoever expenses that may be required for higher education depending on his capacity for the sake of career of his child.
- 4) The appellant shall meet his son twice in a month probably on Sundays for three hours subject to convenience of the child and at the place convenient to him.
- 5) The respondent-wife has agreed to take divorce from the appellant on mutual consent after receiving the amount as agreed upon and she has agreed that the appellant shall not pay monthly maintenance of Rs.3,500/- (Rupees Three Thousand Five Hundred Only) in her favour as granted by the trial Court in Crl.M.P.No. 1321 of 2012 in M.C.No. 22 of 2009 on the file of the Court of Additional Junior Civil Judge, Sikalahasthi.

In view of the settlement arrived at between the parties as termed above, we hereby direct the appellant-husband to pay an amount of Rs.04.00 lakhs (Rupees Four Lakhs Only) in favour of the respondent –wife within a period of one month from today and another sum of Rs.04.00 lakhs (Rupees Four Lakhs Only) within a period of two months thereafter. It is made clear that the total amount of Rs.08.00 lakhs shall be paid by way of Demand Draft within three months from today.

As agreed by the respondent-wife and the appellant-husband, we hereby dissolve the marriage of the appellant and the respondent took place on 03.08.2001 on mutual consent. It is also made clear that any allegations made against each other during pendency of any *inter se* litigation between the parties, are expunged.

It is to be noted that Crime No. 110 of 2012 of I Town Police Station, Srikalahasti, Chittoor District for the offences punishable under Section 498-A IPC and Sections 3 and 4 of Dowry Prohibition Act read with Section 153 Cr.P.C. has been registered against the appellant and Criminal Petition has been filed by the appellant before this Court seeking to quash Crime No. 110 of 2012.

The respondent-wife has agreed not to oppose the quash petition filed by the appellant – husband and shall make all her endeavours for quashing of the aforementioned crime. It is agreed between the parties that if any other proceedings *inter se* are pending before any Court against each other, they will withdraw such proceedings.

It is made clear that if any of the parties does not comply with the terms and conditions as mutually agreed upon and the observations made by this Court, the aggrieved party shall have every right to revive these appeals.

In the light of the above, these appeals are disposed of.

No order as to costs.

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

SURESH KUMAR KAIT, J

21.12.2017

T.AMARNATH GOUD, J

bcj

