

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

FCAMP.No.209 of 2017

In/ And

FCANo.83 of 2006

DATED: 06.04.2017

Between

Pantam Dinesh Kumar

...APPELLANT

And

Pantam Indira Priyadarshini

...RESPONDENT

COUNSEL FOR THE APPELLANT: SRI N.KRISHNA SUMANTH

COUNSEL FOR THE RESPONDENT: SRI ESWARAI AH
For MS. S.VANI



THE COURT MADE THE FOLLOWING:

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

The family court appeal arises out of the order and decree dated 13.04.2006 passed in O.P.No.45 of 2004 on the file of the Additional Metropolitan Sessions Judge for the Trial of Jubilee Hills Car Bomb Blast Case cum Additional Family Court cum XXIII Additional Chief Judge, Red Hills, Nampally at Hyderabad whereby the said OP filed by the appellant for dissolution of marriage with the respondent under Section 13(1)(ia) of Hindu Marriage Act, 1955 (for short 'the Act') was dismissed.

During the hearing of this appeal, this Court has taken the initiative for an out of Court settlement of the dispute between the parties. Eventually, the parties have agreed for an out of Court settlement and filed FCAMP.No.209 2017 for amendment of the prayer in OP.No.45 of 2004 by substituting Section 13(1)(ia) with Section 13B of the Act and grant decree of dissolution of marriage between the parties by mutual consent. Along with this application, the parties have filed joint memo containing the following terms of settlement:

“2(a) The appellant and respondent agree that their marriage shall stand dissolved by a decree of divorce by mutual consent.

(b) That the appellant shall pay 20% of his gross salary and after his retirement 30% of the retirement benefit and 20% of the pension to the respondent towards permanent alimony.

(c) That after passing of divorce by mutual consent before this Hon'ble Court the respondent shall withdraw the complaint in DVC.No.126 of 2015 on the file of the III Metropolitan Magistrate at Erramanzil, Hyderabad.

(d) That the appellant and the respondent shall not file any cases against each other in future and shall lead their respective lives without any interruption from either of the family members.

(e) The contents mentioned in this joint memo are true and correct to the best of our knowledge and belief. The said compromise is entered with our free will and consent and without any undue influence from any one. Hence we are filing the present Joint Memo.

(f) The appellant and respondent shall communicate the decree passed in accordance with this Joint Memo, to the payment authority of the respondent, with a request to forward the amounts as mentioned hereinbefore, to the Savings Bank Account of the respondent bearing a/c.no.201900101005031 of Corporation Bank, Mehdiapatnam Branch with IFSC Code No.CORP0002019, (corresponding to old account no.005031) as and when the amounts are due for payment to the respondent.”

Both the parties are personally present in the Court and have reaffirmed the contents of the joint memo filed along with FCAMP.No.209 of 2017.

In the light of the above, FCAMP.No.209 of 2017 is allowed. The marriage between the appellant and the respondent is dissolved by mutual consent subject to the terms of the joint memorandum reproduced hereinbefore.

The family court appeal is accordingly disposed of.

As a sequel to disposal of the appeal, FCAMP.Nos.134 & 144 of 2017, 143 of 2015, 213 of 2016 and 166 of 2009 shall stand disposed as infructuous.

JUSTICE C.V. NAGARJUNA REDDY

JUSTICE T. RAJANI

Date: 06.04.2017
LSK/DSK