

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

HON'BLE SMT JUSTICE T.RAJANI

FCAMP.Nos.204, 215 and 216 of 2017

In/and

FAMILY COURT APPEAL No.34 of 2012

Date:07.4.2017

Between:

Peddapeta Raghunandana Murthy,

S/o Narasimha Chary

..... Appellant

And:

Peddapeta Radhika,

W/o Raghunandana Murthy

.....Respondent

Counsel for the appellant: Mr. Palivela Satyaraja Babu

Counsel for the respondent: Dr. Venkat Reddy Danthi Reddy

The Court made the following:

COMMON ORDER: (*per Hon'ble Sri Justice C.V.Nagarjuna Reddy*)

This Family Court Appeal is filed by the husband of the respondent feeling aggrieved by the dismissal of FCOP.No.31 of 2009 filed by him, for dissolution of his marriage with the respondent, by the learned Judge, Family Court-cum-Additional District and Sessions Judge at Karimnagar.

On the initiative taken by this Court during the hearing of the Family Court Appeal, both parties have agreed to settle the dispute amicably. Accordingly, they have filed three Miscellaneous Applications, viz., FCAMP.Nos.204, 215 and 216 of 2017.

FCAMP.No.204 of 2017 is filed for receiving the terms of compromise for grant of divorce by mutual consent.

FCAMP.No.215 of 2017 is filed for permitting the applicant to amend the pleadings and the prayer in Family Court Appeal No.34 of 2012 for grant of divorce by mutual consent under Section-13-B of the Hindu Marriage Act, 1955 (for short 'the Act').

FCAMP.No.216 of 2017 is filed for grant of divorce by dissolving the marriage between the appellant and the respondent by mutual consent in terms of compromise.

Along with ASMP.No.204 of 2017, both parties have filed the terms and conditions of compromise, which are reproduced below:

- (A) The husband and wife hereby agreed to dissolve their marriage solemnized on 02.01.2005 at Geeta Bhavan, Jagtial Town, Karimnagar District by way of decree of divorce with mutual consent.
- (B) The husband hereby agreed to pay an amount of Rs.5 lakhs (Rupees Five lakhs only) towards permanent alimony to wife.
- (C) The husband hereby agreed to pay an amount of Rs.1 lakh (Rupees One lakh only) out of Rs.5 lakhs within a period of thirty days from the date of decree of divorce and the remaining amount of Rs.4 lakhs (Rupees Four lakhs only) shall be paid by way of four instalments within a period of eight months i.e., Rs.1 lakh every two months subsequent to the payment of Rs.1 lakh as stated above.
- (D) The wife hereby agreed to withdraw all proceedings initiated against husband and his family members pending as of this day and hereby further agreed that the wife shall not claim any maintenance as per orders, dated 24.4.2008 made in M.C.No.18 of 2008 on the file of JFCM, Jagtial subject to fulfilment of aforesaid condition.
- (E) The husband and wife hereby agreed to withdraw all the allegations made by them in all the cases filed by them in various courts subject to fulfilment of aforesaid condition.
- (F) The wife alleges that gold ornaments have been given to the husband. The husband denies the allegation of giving any gold ornaments to the

husband. The wife is at liberty to approach the civil Court for the alleged gold ornaments.

(G) Both the parties hereby agree and undertake that they shall not interfere with the personal life of each other under any circumstances and further shall not interfere in their respective professional lives as well as under any circumstances.

(H) In case of breach or violation or non-compliance of any of the above said conditions, then the aggrieved party will be at liberty to initiate the appropriate legal proceedings before the forum concerned or authority or tribunal or court."

Both parties are personally present in the Court and expressed their strong desire to get separated by mutual consent. Therefore, all the three Miscellaneous Applications are ordered.

The prayer in FCOP.No.31 of 2009 on the file of the learned Judge, Family Court-cum-Additional District and Sessions Judge, Karimnagar is amended by substituting Section-13(i)(a) of the Act with Section-13-B of the Act. The amended FCOP.No.31 of 2009 is, accordingly, decreed in terms of the memorandum of compromise which forms part of this order.

The Family Court Appeal accordingly stands disposed of.

As a sequel to disposal of the Family Court Appeal, FCAMP.Nos.10 and 11 of 2016 filed by the appellant for interim relief are disposed of as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

JUSTICE T.RAJANI

07th April 2017

DR

