

**THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE T.AMARNATH GOUD**

**C.M.A.M.P.Nos.1865 AND 1866 OF 2017
IN/AND
CIVIL MISCELLANEOUS APPEAL NO.296 OF 2005**

JUDGMENT: (per Hon'ble Sri Justice Sanjay Kumar)

This appeal under Section 28 of the Hindu Marriage Act, 1955 was filed by the husband aggrieved by the dismissal of his petition for divorce in O.P.No.38 of 1998 vide order dated 02.08.2004 passed by the learned Principal Senior Civil Judge, Ranga Reddy District.

2. While this appeal was pending on the file of this Court, it appears that the parties settled their differences and resolved to compromise their disputes. C.M.A.M.P.No.1866 of 2017 was filed by them to pass a decree in terms of the undated memorandum of compromise signed by both the parties and their learned counsel. In terms of this compromise, the parties decided to dissolve their marriage by way of a decree of divorce by mutual consent. The appellant husband paid a sum of Rs.13,50,000/- (demand draft No.487610 dated 25.09.2017 drawn on Andhra Bank for a sum of Rs.9,00,000/-, demand draft No.487611 dated 25.09.2017 drawn on Andhra Bank for a sum of Rs.4,00,000/- both in the name of respondent wife and cash of Rs.50,000/-) in full and final settlement of all the claims of the respondent wife including permanent alimony, marital expenses of children, etc. The parties have two daughters who are majors and are stated to be employed. The memorandum of compromise also records that the appellant

husband would not be required to pay any monthly maintenance to the respondent wife.

3. Both parties are present in person before this Court. The appellant husband produced his driving licence and employee identity card, while the respondent wife produced her Aadhar card in proof of their identity. Both expressed their consent to abide by the memorandum of compromise as setout herein before. The appellant husband is presently aged 63 years and the respondent wife is 54 years and in view of their intention to dissolve their marriage, we see no purpose served in keeping this appeal pending or prolonging the marital tie.

4. The O.P., is accordingly converted into a petition under Section 13 (B) of the Hindu Marriage Act, 1955. As the parties have been living separately since 27.11.1995, the statutory waiting period of six months is dispensed with. The appeal is allowed by dissolving the marriage between the appellant and the respondent by way of a decree of divorce by mutual consent. The terms and conditions of the memorandum of compromise placed before this Court shall form part of the record and shall be binding upon the parties. Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

SANJAY KUMAR, J

T.AMARNATH GOUD, J

Date: 12.10.2017
SHR