

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

FCAMP. Nos.185 and 189 of 2017

In and
FCA. No.50 of 2014

DATED: 28.03.2017

Between

K. Manoj Nair.

...APPELLANT

And

Smt. Indira Manoj Nair.

...RESPONDENT

COUNSEL FOR THE APPELLANT: Sri DR. J. VIJAYALAKSHMI
For SRI S.BHARAT KUMAR

COUNSEL FOR THE RESPONDENTS: Sri C. TULASI KRISHNA



THE COURT MADE THE FOLLOWING:

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

The unsuccessful petitioner, in O.P.No.823 of 2011 filed for dissolution of marriage with the respondent, filed the family Court Appeal feeling aggrieved by the dismissal of the said OP by the Judge Additional Family Court, Hyderabad.

2. During the hearing of this case, a consensus was reached between the parties and in pursuance thereof, the appellant has filed FCACMP.No.185 of 2017 for permitting both the parties to compromise in terms of the memorandum of compromise and dissolve the marriage solemnized on 09.06.2008 by mutual consent. The appellant has filed FCAMP.No.189 of 2017 for permitting him to amend the prayer in O.P. No.823 of 2011 treating the same as the one filed under Section 13B of the Hindu Marriage Act, 1955 (for short 'the Act') and granting decree of divorce by mutual consent. Along with the FCAMP.No.185 of 2017, both the parties have filed memorandum of compromise wherein it is recited that both of them have mutually agreed to get their marriage dissolved and that the permanent custody of the minor child Master Abhinav Vishnu aged about 7 years will remain with the respondent mother. It is further agreed that to allow the child to settle peacefully with one parent, the appellant has undertaken not to make any claim regarding visitation rights at any point of time in the future. Both the parties further agreed that they have no claims for alimony, maintenance and for any other movable or immovable properties against each other.

3. Both the parties appeared before this Court on 27.03.2017 and expressed their desire to get separated by way of decree of dissolution of marriage by mutual consent. The respondent has also sought leave of her absence for today's hearing. The appellant is personally present today also and he reiterated his desire to separate from the respondent by mutual consent.

4. In the light of the above facts, FCAMP.Nos.185 and 189 of 2017 are allowed. The OP filed under Section 13(1)(ia) and (ib) of the Act shall be treated as one filed under Section 13B of the Act. The order and decree of the family Court shall stand set aside and the O.P. as amended is decreed by granting divorce by mutual consent subject to the terms of the memorandum of compromise dated 27.03.2017 filed along with FCAMP.No.185 of 2017.

The family Court Appeal accordingly stands disposed of.

As a sequel to disposal of the appeal, FCAMP.Nos.95 of 2015 and 67 of 2016 of shall stand disposed as infructuous.

JUSTICE C.V. NAGARJUNA REDDY

JUSTICE T. RAJANI

Date: 28.03.2017
LSK/DSK



