

HON' BLE SRI JUSTICE SURESH KUMAR KAIT

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HON' BLE SRI JUSTICE P. KESHAVA RAO

F.C.A.M.P.No. 628 of 2017 in F.C.A.No. 192 of 2011

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F.C.A.No. 192 of 2011

JUDGMENT:- (ORAL)

(Per Hon'ble Sri Justice Suresh Kumar Kait)

This appeal is filed assailing the order and decree dated 21.06.2011 in O.P.No. 429 of 2008 passed by the Family Court Judge, Visakhapatnam whereby the petition filed under Section 13(1)(ia)(ib) of Hindu Marriage Act seeking dissolution of the marriage between the appellant and the respondent, has been dismissed.

During pendency of this appeal, the appellant and the respondent entered into compromise and executed Memorandum of Understanding and Settlement on 25.10.2017 agreeing to the dissolution of their marriage solemnized on 10.06.1998 as per the terms and conditions mentioned therein. The appellant and the respondent filed a petition in F.C.A.M.P.No. 628 of 2017 on 30.10.2017 seeking to grant decree of divorce by mutual consent in view of the terms and conditions of the compromise recorded in the Memorandum of Understanding and Settlement which is placed on record. Both the parties have withdrawn all the allegations made against each other during the legal fights and other litigations between them.

In view of the terms and conditions recorded in the Memorandum of Understanding and Settlement, the marriage between the appellant and the respondent solemnized on 10.06.1998 is hereby dissolved by mutual consent.

It is made clear that if any of the parties does not fulfill the terms and conditions as agreed upon in the Memorandum of Understanding and Settlement, the other party is at liberty to revive the present appeal.

In the light of the above, F.C.A.M.P.No. 628 of 2017 is allowed. Consequently, the appeal is disposed of. No order as to costs.

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

30.10.2017

SURESH KUMAR KAIT, J

P. KESHA RAO, J

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