

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND

THE HON'BLE SMT. JUSTICE T.RAJANI

F.C.A.M.P.No.239 of 2017
in/ and
FAMILY COURT APPEAL No.184 of 2015

26.04.2017

Between:

Smt.Noothipelli Anitha @ Sathemma

..Applicant/ Appellant

And

Noothipelli Santhosh

..Respondent

Counsel for the applicant/appellant: Mrs.N.Malathi Naidu

Counsel for the respondent: Mr.P.V.Srinivasa Rao for Mr.P.V.Narayana Rao

The Court made the following:



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

The Family Court Appeal is filed against order and decree, dated 28.07.2014, in F.C.O.P.No.51 of 2009 on the file of the Judge, Family Court-cum-IV Additional District and Sessions Judge, Adilabad, whereby, she has granted decree of divorce under Section 13(1)(ia) of the Hindu Marriage Act, 1955, by dissolving the marriage between the appellant and the respondent.

2. F.C.A.M.P.No.239 of 2017 is filed in the name of the appellant singed by the learned counsel for both the parties. This application is accompanied by the affidavit of the appellant and also joint memo, dated 30.01.2017, signed by both the parties and their counsel. It is stated in the affidavit of the appellant that on the advice of the elders and the well-wishers, both the parties have come to a compromise and that in pursuance thereof, a joint memo has been entered into. She has, therefore, requested for dismissal of the appeal in terms of the joint memo (mentioned mistakenly to allow the appeal instead to dismiss the appeal in the last paragraph of the affidavit). The joint memo filed along with this application contains the following terms:

“(A) The Appellant undertakes to withdraw the C.C.No.75 of 2010 on the file of the Ist Additional Judicial First Class Magistrate at Mancherial by filing a Compromise Petition by appellant and the respondent in that respect and the appellant undertakes to withdraw the complaint under Section 12 of Protection of Women from Domestic Violence Act, 2005 in D.V.C.No.29 of 2012 on the file of the II Additional Judicial First Class Magistrate at Mancherial.

(B) The Appellant has divorced the respondent herein as per the order and decree in O.P.No.51 of 2009 on the file of the Judge, Family Court-cum-IV Additional District and Sessions Judge at Adilabad out of Court as per the advice of elders of the community and the respondent herein is paying permanent alimony under Section 25 of Hindu Marriage Act to the Appellant herein towards past and future maintenance and permanent alimony of Rs.5,85,000-00 (Rupees Five lakhs, eighty five thousand only) out

of which Rs.1,85,000-00 (Rupees one lakh, eighty five thousand only) is paying through Account Payee Cheque bearing No.304306 dated drawn on State Bank of Hyderabad, Dichpally Branch, Nizamabad District in favour of Appellant herein and balance amount of Rs.4,00,000-00 (Rupees Four lakhs only) will be paid through Account Payee Cheque in favour of Appellant on the date of Compromise recorded in C.C.No.75 of 2010 on the file of the 1st Additional Judicial First Class Magistrate at Mancherial and D.V.C.No.29 of 2012 on the file of the II Additional Judicial First Class Magistrate, Mancherial.

(C) The Appellant and respondent herein bear their respective costs in this Appeal.”

3. At the hearing, both the parties, who are personally present, have informed the Court that they have entered into the aforementioned joint memo, of their own free will and consent. The appellant has requested the Court to dismiss the appeal in terms of the joint memo referred to above.

4. F.C.A.M.P.No.239 of 2017 is allowed and F.C.A.No.184 of 2015 is dismissed in terms of joint memo, dated 30.01.2017, filed along with F.C.A.M.P.No.239 of 2017.

C.V.NAGARJUNA REDDY, J

T.RAJANI, J

26th April, 2017
GHN