

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

THE HON'BLE SMT. JUSTICE T.RAJANI

F.C.A.M.P.Nos.231 and 232 of 2017
in/ and
FAMILY COURT APPEAL No.72 of 2016

20.04.2017

Between:

Nandamuri Suman

..Applicant/ Appellant

And

Nandamuri Smitha

..Respondent

Counsel for the applicant/appellant: Mrs.G.Jhansi

Counsel for the respondent: Mr.P.Nagendra Reddy

The Court made the following:



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

O.P.No.651 of 2010 filed by the husband against the wife seeking dissolution of their marriage under Section 13(1)(ia) of the Hindu Marriage Act, 1955 (for short 'the Act') was dismissed by the Judge, Family Court-cum-IV Additional District & Sessions Judge's Court, Vijayawada, *vide* order, dated 31.12.2015. Feeling aggrieved thereby, the unsuccessful petitioner therein filed F.C.A.No.72 of 2016.

2. During the pendency of the appeal, the parties entered into a settlement. They have filed F.C.A.No.231 of 2017 for amending the prayer in O.P.No.651 of 2010 by substituting Section 13-B of the Act in place of Section 13(1)(ia) of the Act and F.C.A.M.P.No.232 of 2017 for dissolving the marriage between the parties by granting decree of divorce by mutual consent. Along with F.C.A.M.P.No.232 of 2017, the parties have filed separate affidavits with identical averments. It will suffice to reproduce the relevant averments in the affidavit filed by the applicant/appellant, which read as under:

4) At this stage at the intervention of elders a compromise proposal with the respondent was arrived and the petitioner offered to pay a sum of Rs.50,00,000/- (Fifty lakhs) to the respondent towards full and final settlement of permanent alimony by way of depositing in any Nationalised Bank within a period of one week and also assured the future of our minor sons by offering to give the immovable property i.e., the land in an extent of Ac.3.14 guntas in Sy.Nos.156 and 157 at Godumakunta Village, Keesara Mandal, Ranga Reddy District valued at Rs.3,50,00,000/- (Three Crores Fifty Lakhs) and another land admeasuring 888 Sq.Yards situated in R.S.No.31/2 of Tadigadapa village, Penamaluru Mandal, Krishna District valued at Rs.2,50,00,000/- (Two Crores Fifty Lakhs) by way of executing Registered Conditional Gift Deed to the effect that they should not alienate the land till my minor sons attain the age of 25 years. The land in Godumakunta village is in my name. The land in an extent of 888 Sq.Yards is in the name of my mother Smt.Nandamuri Latha Rani. My mother is willing to execute the Registered Gift Deed in favour of my sons within a period of

week. If my mother fails to execute the Registered Gift Deed, I undertake to deposit Rs.2,50,00,000/- (Rupees two crores Fifty Lakhs) in any Nationalised Bank in the name of my both sons by way of Fixed Deposit duly nominating the respondent as Guardian.

5) I have further agreed to close all the civil and criminal cases filed by me and my father against the respondent and her parents and relatives either by withdrawing or cooperating with the respondent for quashing the criminal cases. My father also agreed to withdraw O.S.No.63/2011 on the file of VIII Additional District Judge, Vijayawada filed against the father of the respondent. The respondent also agreed to close all civil and criminal cases filed by her and her father either by withdrawing or cooperating with the petitioner for quashing the criminal cases.

6) The respondent accepted the above proposal and agreed to give Divorce by way of mutual consent."

3. At the hearing, both the parties are personally present and they stood by the aforementioned petitions and also the contents thereof.

4. In the light of the above facts, both F.C.A.M.P.Nos.231 and 232 of 2017 are allowed. Order under appeal, dated 31.12.2015, in O.P.No.651 of 2010 on the file of the Judge, Family Court-cum-IV Additional District and Sessions Judge, Vijayawada, is set aside. The marriage between the applicant/appellant and the respondent is dissolved by granting decree of divorce by mutual consent, subject to the terms culled out in the affidavits of the parties, as reproduced hereinbefore. The Family Court Appeal, accordingly, stands disposed of.

5. As a sequel to disposal of the appeal, interim order, dated 13.04.2016, in F.C.A.M.P.No.162 of 2016 is vacated and F.C.A.M.P.Nos.162, 163 and 264 of 2016 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

T.RAJANI, J

20th April, 2017
GHN

