

**THE HON'BLE SRI JUSTICE SURESH KUMAR KAIT
AND
THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO**

CMA MP No.1475 of 2017

In

C.M.A. No.868 OF 2016

ORDER: (oral)

(Per the Hon'ble Sri Justice Suresh Kumar Kait)

CMA MP No.1475 of 2017 has been filed by the petitioner to enter into compromise as per the terms of the Memorandum of Compromise dated 06.04.2017.

2. As per the said compromise Memo, the petitioner/husband agreed to give a sum of Rs.6,00,000/- (Rupees six lakhs only) to the respondent/wife towards permanent alimony as full and final settlement for dissolution of marriage.

3. The respondent is personally present in Court with her father Udumula Siva Reddy. For her identification, she has produced original Aadhar Card issued by the Government of India vide No.689992129812. Original seen and returned to the respondent/wife. Xerox copy of the same is taken on record. For identification of her father, she has produced Ration Card issued by the Civil Supplies Department, State of Andhra Pradesh, wherein, the respondent is also one of the members of the family, shown as daughter, in the Ration Card. Original seen and returned to the respondent. Xerox copy of the same is also taken on record.

4. The respondent who is present in Court with her father submitted that an amount of Rs.3,00,000/- in cash (Rupees three

lakhs only) has already been received pursuant to Memorandum of Understanding and an amount of Rs.3,00,000/- cash is paid by the petitioner/husband in Court to the respondent which she checked and found to be correct. She states that the matter has been compromised and marriage dated 10th March 2012 may be dissolved with their mutual consent.

5. The petitioner/husband filed HMOP No.49 of 2014 under Section 13 (1) 9 (ia) (ib) of Hindu Marriage Act, 1955 before the Senior Civil Judge, Darsi, for dissolution of marriage dated 10th March 2012. However, the same has been dismissed vide order dated 15th September 2016.

6. Being aggrieved, the petitioner has filed appeal before this Court. During pendency of the appeal, the appellant/petitioner and the respondent have entered into compromise, which is annexed with CMA MP No.1475 of 2017.

7. It is not in dispute that in pursuance of the said agreement, the respondent has received an amount of Rs.6,00,000/- and other terms and conditions of the Memorandum have also been complied with.

8. Keeping in view the compromise taken place between the parties by the said Memorandum of Compromise, whereby they have decided to live separately, therefore, we have no hesitation to dissolve the marriage dated 10th March 2012 on their mutual consent.

9. Accordingly, CMA MP No.1475 of 2017 is allowed. Consequently, order dated 15th September 2016 passed in HMOP No.49 of 2014 is hereby set aside.

10. We hereby make it clear that the allegations made against each other during the proceedings in HMOP mentioned above or in any other proceedings *inter se* between the appellant and the respondents shall stand withdrawn by them.

11. It is important to note that the respondent belongs to lower strata of the Society. An amount of Rs.3,00,000/- (Rupees three lakhs only) is a heavy amount for them to carry to Prakasam District. To ensure that money should reach safely in the account of the respondent, we hereby direct the Branch Manager, State Bank of India, A.P. High Court Branch, Hyderabad, to ensure that money should be reached through banking system to the account No.457502010011295 of respondent maintained in Union Bank of India, Konakanamitla Branch.

12. In view of the above, CMA No.868 of 2016 stands allowed while dissolving the marriage dated 10th March 2012 between the appellant and the respondent. There shall be no order as to costs.

Miscellaneous petitions, if any pending, shall stand closed.

JUSTICE SURESH KUMAR KAIT.

JUSTICE U. DURGA PRASAD RAO.

Date : 06-12-2017

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