

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

and

The Hon'ble Smt. Justice T.Rajani

FCA.No.145 of 2016

Date: 18.01.2017

Between:

Vivek S.Ram Ramaswamy

... Appellant

and

Archana Vaidyanathan

...Respondent

Counsel for the Appellant: Mr.N.Vinesh Raj

Counsel for the respondent: Mr.Venkateswar Varanasi

The Court made the following:



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

This Family Court Appeal (FCA) arises out of Order and Decree, dated 03-08-2016, in OP.No.1125 of 2012, on the file of the Judge, Family Court at L.B.Nagar, Ranga Reddy District.

We have heard Mr.N.Vinesh Raj, learned Counsel for the appellant, and Mr.Venkateswar Varanasi, learned Counsel for the respondent.

The respondent filed the aforementioned OP under Section 13 (1) (ia) of the Hindu Marriage Act, 1955, for dissolution of her marriage with the petitioner.

On appreciation of the oral and the documentary evidence, the Family Court has decreed the OP dissolving the marriage between the parties and rejecting the other reliefs claimed by the respondent.

At the hearing, the only submission made by the learned Counsel for the appellant is that though his client is not opposed to the dissolution of marriage, he is apprehensive of the order under appeal and certain findings

rendered therein by the Family Court being used against his interests in the criminal cases or any other proceedings that may be pending against him.

The learned Counsel for the respondent has fairly agreed that her client will not take advantage of any of those observations.

After hearing the learned Counsel for the respondent, we are of the opinion that since the appellant is not opposed to the grant of decree for divorce, there is no justification for the respondent to rely upon the observations of the Family Court in general and those pertaining to cruelty in particular against the appellant. In this view of the matter, while not interfering with the decree for dissolution of marriage granted by the Family Court, we, however, make it clear that none of the observations made adverse to the appellant in the order under Appeal shall be taken into consideration by any forum including the Criminal Courts in the cases pending between the appellant and the respondent.

Subject to the above observations, the FCA stands disposed of.

As a sequel to disposal of the FCA, FCAMP.No.361 of 2016, filed by the appellant for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

(T.Rajani, J)

Dt: 18th January, 2017
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