

HON' BLE SRI JUSTICE SURESH KUMAR KAIT
&
HON' BLE SRI JUSTICE U. DURGA PRASAD RAO

C.M.A.M.P. No. 2106 of 2016 & C.M.A. No. 328 of 2016

JUDGMENT:- (Per Hon' ble Sri Justice Suresh Kumar Kait)

The Civil Miscellaneous Appeal is preferred by the wife seeking to set aside the decree and order dated 26.02.2016 made in O.P.No. 27 of 2014 by II Additional Senior Civil Judge, Warangal whereby the petition filed by the husband under Section 13(i)(ii)(ia) of Hindu Marriage Act for divorce was allowed dissolving their marriage.

Along with the appeal, the appellant – wife has filed C.M.A.M.P.No. 657 of 2016 seeking stay of operation of the order and decree dated 26.02.2016, and this Court, by order dated 28.04.2016, allowed the petition.

Meanwhile, the appellant – wife and the respondent – husband have amicably settled all the issues out of the Court and the respondent has agreed to pay an amount of Rs.7.00 lakhs (Rupees Seven Lakhs Only) to the appellant towards permanent alimony, dowry articles including all future and past claims. Hence, the wife has filed the present Miscellaneous Petition seeking to permit her and her husband to compromise the matter in terms of an agreement entered

into between them and restore the order of divorce dated 26.02.2016 made in O.P.No. 27 of 2014.

The learned counsel for the respondent – husband, on instructions from the respondent, who is present in the Court, does not dispute what is stated by the learned counsel for the petitioner and has confirmed that compromise has taken place between the appellant and the respondent who has agreed to pay an amount of Rs.7.00 lakhs to the appellant towards all the expenses as submitted by the learned counsel for the appellant –wife.

The appellant –wife is personally present along with her counsel. We have interacted with the appellant who has been identified by her counsel Sri Sanjeev Gillella. In addition to the above, photocopy of the appellant's Aadhar Card issued by the Government of India is placed on record. The appellant has come along with her father namely Hanmantrao Shrinivas Rao Nadpelli, Near ZP Telugu School, Chandrapur, Chunala, State of Maharastra who is identified by his Aadhar Card bearing No. 391393773098. The appellant states that the matter has been settled with the respondent amicably. She has no issues whatsoever on any ground.

The appellant –wife has agreed to receive Rs.7.00 lakhs (Rupees Seven Lakhs Only) from the respondent. The

respondent – husband has agreed to pay the settlement amount of Rs.7.00 lakhs within one week from today by way of Pay Order in favour of the appellant.

It is made clear that if the respondent – husband does not pay the agreed amount of Rs.7.00 lakhs to the appellant within the time stipulated, the appellant shall be at liberty to get revived the present petition. In such an event, we clarify that this petition shall be revived with costs of Rs.50,000/- (Rupees Fifty Thousand Only) to be paid by the respondent in favour of the appellant. This direction is given for the purpose that the appellant has come on the assurance of the respondent all the way from Chandrapur District of Maharashtra State with her father who spent huge amount to come to Hyderabad and to go back to their native District.

We further make it clear that if after receipt of the amount of Rs.7.00 lakhs, the appellant-wife changes her mind to contest the present appeal, she shall pay the received amount with interest @ 12%p.a. from the date of receipt till the date of the payment.

With the above observations, the Miscellaneous Petition is allowed. Consequently, the Appeal is disposed of in terms of the compromise arrived at between the parties. No order as to costs.

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

02.02.2017

SURESH KUMAR KAIT, J

U.DURGA PRASAD RAO, J

bcj

