

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

AND

THE HON'BLE SMT. JUSTICE T.RAJANI

F.C.A.M.P.No.502 of 2016

in/ and

FAMILY COURT APPEAL No.154 of 2016

and

FAMILY COURT APPEAL No.155 of 2016

16.02.2017

Between:

Smt.J. Srivalli

..Applicant/ Appellant

and

J.Sanyakumar

..Respondent

Counsel for the applicant/appellant: Mr.Goalla Seshadri

Counsel for the respondent: Mr.M.Satya Varaprasad Rao

The Court made the following:



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

The unsuccessful petitioner-wife in F.C.O.P.No.531 of 2014 filed F.C.A.No.154 of 2015 feeling aggrieved by the common order, dated 12.06.2016, whereby, the learned Judge, Family Court, Secunderabad, dismissed the aforesaid F.C.O.P. filed by her for grant of decree of divorce by dissolving the marriage with the respondent-husband on the ground of cruelty. She also filed F.C.A.No.155 of 2016 against the very same common order, whereby F.C.O.P.No.657 of 2014 filed by the respondent-husband for restitution of conjugal rights was decreed.

2. For convenience, the parties are referred to as they are arrayed in the appeals.

3. Pending these appeals, the appellant filed F.C.A.M.P.No.502 of 2016 in F.C.A.No.154 of 2016, for amending the prayer in F.C.O.P.No.531 of 2014 by treating the said F.C.O.P. as filed under Section 13-B of the Hindu Marriage Act, 1955 (for short 'the Act') and dissolving the marriage, dated 24.08.2013, by grant of decree of divorce, by mutual consent. In support of this application, both the appellant and the respondent have filed separate affidavits, wherein, they have averred that with the intervention of the elders and well-wishers, both of them have decided to settle the matter amicably by obtaining divorce by mutual consent. They have further stated that they do not have any claims against each other in future.

4. At the hearing, both the parties are personally present and they have requested the Court for dissolution of the marriage by grant of decree of divorce by mutual consent.

5. In the light of the above facts, F.C.A.M.P.No.502 of 2016 in F.C.A.No.154 of 2016 is allowed. Common order, dated 12.06.2016, in F.C.O.P.Nos.531 and 657 of 2014 is set aside. F.C.O.P.No.531 of 2014 is permitted to be amended as the one filed under Section 13-B of the Act and the marriage between the appellant and the respondent stands dissolved by granting decree of divorce by mutual consent. Accordingly, F.C.O.P.No.531 of 2014 is decreed and F.C.O.P.No.657 of 2014 is dismissed. Both the F.C.As. are allowed.

C.V.NAGARJUNA REDDY, J

16th February, 2017
GHN

T.RAJANI, J

