

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

THE HON'BLE SMT. JUSTICE T.RAJANI

F.C.A.M.P.Nos.493 of 2016 and 106 of 2017
in/ and
FAMILY COURT APPEAL No.3 of 2016

27.02.2017

Between:

R.Santosh Kumar

..Applicant/ Appellant

and

Smt.R.Savitha

..Respondent

Counsel for the applicant/appellant: Mr.J.Prabhakar

Counsel for the respondent: Mr.S.Kishan

The Court made the following:



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

The unsuccessful husband in O.P.No.1022 of 2012 filed for dissolution of marriage with the respondent (wife), has filed the present Family Court Appeal against order and decree, dated 07.07.2015, whereby the learned Judge, Additional Family Court, Hyderabad, has dismissed the said O.P.

2. F.C.A.M.P.No.493 of 2016 is filed for recording compromise between the parties and allowing the appeal in terms of the memorandum of settlement filed along with the said petition.

3. F.C.A.M.P.No.106 of 2017 is filed jointly by both the parties seeking amendment of O.P.No.1022 of 2012 by treating it as being filed under Section 13-B of the Hindu Marriage Act, 1955 (for short 'the Act') for grant of decree of divorce by mutual consent. In para 3 of the petition, it is stated that the respondent has agreed to receive Rs.6,00,000/- (Rupees six lakhs only) towards full and final settlement of the claims of herself and her minor daughter - Srigowri (Neti) and the said sum is being paid to her through two cheques bearing Nos.633594 and 632595, dated 18.10.2016 and 07.09.2016 respectively and renewed on 13.02.2017 and 15.12.2016 respectively. It is also stated in the petition that the parties have received back their respective articles of gold ornaments and other belongings of each other and that in pursuance of the understanding between them, the appellant has agreed to withdraw O.P.No.646 of 2016 on the file of the Judge, Family Court, Hyderabad, filed by him for custody of the child and the respondent has agreed to withdraw M.C.No.363 of 2015 on the file of the Additional Metropolitan Sessions Judge for the Trial of JHCBBB-cum-Additional Judge, Family Court-cum-XXIII Additional Chief

Judge-cum-IX Additional Metropolitan Sessions Judge at Nampally, Hyderabad, filed by her for maintenance.

4. At the hearing, both the parties are personally present and the respondent has acknowledged receipt of the two bankers cheques referred to above as full and final settlement of the claims of herself and her minor daughter. Both the parties have expressed their strong desire to get separated through decree of divorce by mutual consent.

5. In the light of the above facts and circumstances of the case, F.C.A.M.P.No.493 of 2016 is allowed, placing on record the memorandum of compromise. F.C.A.M.P.No.106 of 2017 is allowed, by allowing amendment of prayer in O.P.No.1022 of 2012. O.P.No.1022 of 2012, as amended, is decreed. The marriage between the appellant and the respondent is dissolved by grant of decree of divorce by mutual consent. The Family Court Appeal is, accordingly, allowed in terms of the aforementioned memorandum of settlement.

C.V.NAGARJUNA REDDY, J

T.RAJANI, J

27th February, 2017
GHN