

**THE HON'BLE SRI JUSTICE SURESH KUMAR KAIT
AND
THE HON'BLE SRI JUSTICE N. BALATYOGI**

FCA MP No.492 of 2017 & FCA No.135 OF 2016

ORDER: *(Oral)*

(Per Hon'ble Sri Justice SURESH KUMAR KAIT)

Vide FCA MP No.492 of 2017, the petitioner/wife seeks direction thereby record the terms of compromise and allow FCA No.135 of 2016 while dissolving the marriage dated 14.02.2009 between the petitioner/respondent and the appellant in terms of Memorandum of Compromise duly setting aside the common order and decree passed in FCOP No.103 of 2011 & FCOP No.72 of 2013 dated 18.07.2016 by the Judge, Family Court-cum-IX Additional District & Sessions Judge, East Godavari at Rajamahendravaram.

2. Vide FCOP No.103 of 2011, the appellant filed petition under Section 13 (1) (ia) of Hindu Marriage Act 1955 before the Court below to dissolve the marriage between him and the respondent, which was solemnized on 14.02.2009 at Ibrahimpatnam. The said petition was dismissed vide order dated 18.07.2016. Being aggrieved, the appellant/husband filed the present appeal. However, during the course of pending appeal, the appellant and the respondent entered into compromise, which is on record with the present petition.

3. The respondent/wife of the appellant is present in person in the Court with her learned counsel. For her

identification, she has produced PAN card issued by the Income Tax Department, Government of India. Xerox copy of the same is kept on record. Original of the same has been seen and returned to her. In addition to above, she has produced Xerox copy of the Aadhar Card No.2015 5930 9128, issued by the Government of India. The same is also taken on record.

4. The respondent/wife states that the matter has been compromised between her and the appellant/husband in terms of the compromise deed as annexed with the present petition. She does not want to contest this case further and has no objection if their marriage which was solemnized on 14.02.2009 is dissolved with mutual consent.

5. Keeping in view the averments made in the instant petition and the submissions of learned counsel for the parties, we hereby dissolve the marriage in terms of Memorandum of Compromise duly signed by both parties, which was solemnized on 14.02.2009.

6. We hereby made clear that the allegations made against the appellant and the respondent during the proceedings are withdrawn herewith by both parties voluntarily. Therefore, the allegations which are on record in the proceedings pending before the Court shall not be taken into consideration in any manner whatsoever in future by either of the parties.

7. Accordingly, FCA MP No. 492 of 2017 is allowed.
Consequently, FCA No.135 of 2016 is disposed of.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE SURESH KUMAR KAIT.

JUSTICE N. BALAYOGI.

Date : 21-08-2017
Gvl

