

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY
AND
THE HON'BLE SMT JUSTICE T. RAJANI

FCA.No.167 of 2016

DATED: 20.04.2017

Between

B. Chandrakanth.

...APPELLANT

And

Smt. B. Chayadevi

...RESPONDENT

COUNSEL FOR THE APPELLANT: SRI V.V. SATISH

COUNSEL FOR THE RESPONDENT: SRI N. RAMAPPA



THE COURT MADE THE FOLLOWING:

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

The unsuccessful husband/respondent in O.P.No.1569 of 2012 on the file of the Judge, Family Court, Ranga Reddy District, filed this family Court appeal feeling aggrieved by the order passed therein dismissing the said OP, filed by him, under Section 13(1)(iii) of the Hindu Marriage Act, 1955.

2. During the hearing of the case, both the parties have filed FCAMP.No.222 of 2017 supported by a joint memo of compromise and also memorandum of understanding. In this application following prayers have been sought:

“a) that petitioner and respondent agree that their marriage dated 06.05.2011 shall stand dissolved by mutual consent.

b) That petitioner and respondent entered into a memorandum of compromise on 7.04.2017 whereunder the petitioner agreed to pay Rs.12,50,000/- to the respondent as full and final settlement of all claims of the respondent including permanent alimony and accordingly he shall pay an amount of Rs.6 lakhs at the time of granting mutual consent divorce and Rs.4 lakhs shall be paid at the time of closing CC.No.1287 of 2015 and DVC 08/2014 and an amount of Rs.2.50 lakhs at the time of withdrawal of FCOP 459 of 2016.

c) That the petitioner and the respondent shall not file any cases against each other in future and shall lead their respective lives without any interruption from either of the family members”

and delete the para Nos.3 and 4 in petition and alter the provision of law in FCOP No.1569 of 2012 as Section 13-B in place of Section 13(1)(iii) of Hindu Marriage Act, 1955 and be pleased to pass such other and further order/s as this Hon'ble court may deem fit and proper in the circumstance of the case and in the interest of justice.

3. At paragraph 3(b) of the affidavit, filed in support of FCAMP.No.222 of 2017, it is stated that out of the sum of Rs.12,50,000/- agreed to be paid by the appellant to the respondent in full and final settlement of her claims including permanent alimony, initially he paid a sum of Rs.6,00,000/- at the time of granting decree of divorce by mutual

consent, that Rs.4,00,000/- shall be paid at the time of closing of C.C.No.1287 of 2015 and DVC.No.8 of 2014 and that the balance sum of Rs.2,50,000/- will be paid at the withdrawal of FCOP.No.459 of 2016.

4. Today, at the hearing, both the parties are personally present. Sri V.V. Satish, learned counsel for the appellant, submitted that though his client proposed to defer payment of a sum of Rs.6,50,000/- till the disposal of the C.C.No.1287 of 2015 and DVC.No.8 of 2014, on reconsideration, he is agreeable to pay entire amount today itself. Accordingly, he has handed over the following demand drafts:

1. D.D.No.503418, date 6.4.2017 for Rs.2,00,000/-, Canara Bank, Banjara Hills Branch, Hyderabad.
2. D.D.No.503419, date 6.4.2017 for Rs.2,00,000/-, Canara Bank, Banjara Hills Branch, Hyderabad.
3. D.D.No.503420, date 6.4.2017 for Rs.2,00,000/-, Canara Bank, Banjara Hills Branch, Hyderabad.

In addition to the above, today, the appellant handed over the following demand drafts and a cheque for the balance sum of Rs.6,50,000/-:

1. D.D.No.000795 dated 11.04.2017 for Rs.2,00,000/- HDFC Bank, Banjara Hills Branch, Hyderabad.
2. D.D.No.000796 dated 11.04.2017 for Rs.2,00,000/- HDFC Bank, Banjara Hills Branch, Hyderabad.
3. Cheque No.000031 dated 20.04.2017 for Rs.2,50,000/- HDFC Bank, Banjara Hills Branch, Hyderabad.

The respondent has received the said demand drafts and cheque in our presence and conveyed her no objection for dissolving the marriage between her and the appellant as per the amended prayer.

Accordingly, FCAMP.No.222 of 2017 is allowed. The prayer in OP.No.1569 of 2012 is amended as prayed for in the said application. The marriage between the parties is dissolved by mutual consent under Section 13B of the Hindu Marriage Act, 1955.

The family court appeal accordingly stands disposed of.

JUSTICE C.V. NAGARJUNA REDDY

JUSTICE T. RAJANI

Date: 20.04.2017
LSK/DSK

