

HON' BLE SRI JUSTICE SURESH KUMAR KAIT
&
HON' BLE SRI JUSTICE T. AMARNATH GOUD

F.C.A. No. 297 of 2017

JUDGMENT:- (ORAL)

(Per Hon' ble Sri Justice Suresh Kumar Kait)

This appeal is preferred challenging the order and decree dated 30.06.2017 in F.C.O.P.No. 157 of 2015 passed by the Judge, Family Court-cum-V Additional District Judge, Tirupati whereby the petition filed by the appellant – husband under Section 13(1)(ia) of the Hindu Marriage Act, 1955 seeking divorce on the ground of cruelty, has been dismissed.

During pendency of the appeal, the appellant – husband filed I.A.No. 1 of 2018 seeking to amend the prayer in the appeal to the effect of granting divorce by mutual consent instead of setting aside the order and decree dated 30.06.2017 in F.C.O.P.No. 157 of 2015, and this Court, by order dated 07.09.2018, has allowed the application.

The appellant – husband and the respondent – wife have settled their disputes, and to that effect, filed a Joint Memo wherein they have agreed to take divorce by mutual consent on certain terms and conditions.

As per the terms enumerated in the Joint Memo, the appellant shall pay an amount of Rs.3,61,000/- (Rupees Three Lakhs Sixty One Thousand Only) in favour of the respondent for the past, present and future maintenance once for all. Accordingly, the respondent has accepted to receive that amount towards permanent alimony and other claims and agreed to take divorce by mutual consent in terms of the Award, dated 02.06.2018 in L.A.C.Nos.281 and 282 of 2018 passed by the Lok Adalat Bench, Tirupathi.

In pursuance of the settlement arrived at between the parties, the appellant, on 02.06.2018 paid an amount of Rs.1,00,000/- (Rupees One Lakh Only) and the same is not disputed by the respondent-wife who is personally present in the Court with her counsel Sri K. Maheswara Rao. For her identification, the respondent has produced her Aadhaar Card bearing No. 9620 7440 3440. Original Aadhaar Card is seen and returned to her and photocopy of the same is placed on record.

Further, the appellant has given no objection to the respondent-wife to withdraw the amount of Rs.61,000/- (Rupees Sixty One Thousand Only) which has been deposited in the Court of the Judge, Family Court,

Tirupati in M.C.No. 27 of 2015. Accordingly, we hereby direct the above-mentioned Court to release the above amount with interest, if any, in favour of the respondent-wife.

Today, the appellant has handed over Demand Draft bearing No. 970188 for Rs.1,00,000/- (Rupees One Lakh Only) and another Demand Draft bearing No. 970189 for Rs.1,00,000/- (Rupees One Lakh Only), dated 12.07.2018 drawn on Canara Bank, Tiruchi Branch, to the respondent.

Keeping in view the terms of compromise, we hereby dissolve the marriage between the appellant and the respondent solemnized on 17.02.2014 by mutual consent. It is made clear that the allegations made against each other have been condoned by the parties and the respondent shall withdraw all the criminal and civil cases filed against the appellant.

Hence, the appeal is allowed in terms of the Joint Memo dated 20.09.2018 filed by the parties. No order as to costs.

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

20.09.2018

SURESH KUMAR KAIT, J

bcj

T. AMARNATH GOUD, J