

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

HON'BLE SMT JUSTICE T.RAJANI

FCAMP.No.93 of 2017

In/and

Family Court Appeal No.215 of 2016

Date:23.02.2017

Between:

Jaya Sheela,

W/o V.Hari Krishna

..... Appellant

And:

Vucha Hari Krishna,

S/o V.Rama Krishna Rao

.....Respondent

Counsel for the appellant: Mr. Durga Prasad

Counsel for the respondent: Mrs. G.Poornasri

The Court made the following:

COMMON ORDER: (*per Hon'ble Sri Justice C.V.Nagarjuna Reddy*)

The respondent in O.P.No.315 of 2013 (Old O.P.No.362 of 2011) on the file of the Judge, Family Court-cum-IV Additional District and Sessions Judge, Vijayawada filed FCA.No.215 of 2016 assailing the decree, dated 29.7.2016, for dissolution of her marriage with the respondent, granted by the Family Court.

During the hearing, this Court has tried to bring out a rapprochement between the parties. They were, in fact, made to live together for about a week in order to ensure that they sink their differences. However, after staying together for a week, the parties expressed their disinclination to live together.

Having regard to the irreconcilable differences between the parties, this Court has suggested to them to settle the dispute on reasonable terms. Accordingly, they have filed FCAMP.No.93 of 2017 with the prayer to record the terms of compromise and dissolve the marriage between them. Along with the said application, both the parties filed separate affidavits and also memorandum of compromise, the terms of which read as under:

(1) That the appellant agreed to withdraw/compound the said cases which are as follows:

(a) C.C.No.977 of 2012 on the file of the II Additional Chief Metropolitan Magistrate, Vijayawada, Krishna District in Crime No.36 of 2011.

(b) CrI.R.C.No.2971 of 2016 on the file of the Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh filed challenging the order in M.C.No.163 of 2011 on the file of the Judge, Family Court-cum-IV Additional District and Sessions Judge, Vijayawada.

(c) Family Court Appeal No.215 of 2016 on the file of the Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh filed challenging the order in O.P.No.315 of 2013 (Old O.P.No.362 of 2011) on the file of the Judge, Family Court-cum-IV Additional District and Sessions Judge, Vijayawada by filing compromise petition.

(2) That the respondent agreed to pay the appellant and their daughter-Akshya Naidu a total sum of Rs.20 lakhs on instalment basis as under:

(i) Rs.2,50,000/- on or before 01.3.2017 drawn in the name of Jayasheela payable at Vijayawada by way of Demand Draft.

(ii) Rs.2,50,000/- on or before 01.4.2017 drawn in the name of Jayasheela payable at Vijayawada by way of Demand Draft.

(iii) Rs.2,00,000/- on or before 01.5.2017 drawn in the name of Jayasheela payable at Vijayawada by way of Demand Draft.

(iv) Rs.13,00,000/- shall be payable by way of Demand Draft drawn in the name of their daughter-Akshya Naidu on or before 01.7.2017 payable at Vijayawada and same shall be deposited/invested in the Fixed Deposit receipts in any nationalised banks, Vijayawada in the name of Akshya Naidu and the monthly interest accrued shall be utilised for the purpose of her welfare.

(3) It is also agreed by both the parties that they shall abide by the terms of this memorandum mentioned above in future. If there is any violation by one party, the other party is at liberty to initiate legal proceedings as per law.”

Today, both the parties are personally present and reiterated the contents of their respective affidavits and the memorandum of compromise. They requested the Court to dispose of the Family Court Appeal by confirming the decree for dissolution of their marriage subject to the terms contained in the memorandum of compromise.

The appellant has requested that the amount agreed to be paid by the respondent may be directed to be deposited before the Family Court, Vijayawada.

The respondent is, accordingly, directed to deposit the amounts as per the memorandum of compromise to the credit of O.P.No.315 of 2013 (Old O.P.No.362 of 2011) on the file of the Judge, Family Court-cum-IV Additional District and Sessions Judge, Vijayawada

Accordingly, FCAMP.No.93 of 2017 is allowed and FCA.No.215 of 2016 is disposed of by dissolving the marriage between the parties as per the memorandum of compromise which shall form part of this order.

As a sequel to disposal of the Appeal, FCAMP.No.533 of 2016 filed by the appellant for interim relief stands disposed of as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

JUSTICE T.RAJANI

23rd February, 2017

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