

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

and

The Hon'ble Sri Justice Gudiseva Shyam Prasad

IA.No.1 of 2018

in/& Family Court Appeal No.209 of 2016

Date: 02.02.2018

Between:

Polu Hari Krishna

... Appellant

and

Nimmalapalli Venkata Lakshmi Kalyani

...Respondent

Counsel for the applicant/Appellant: Mr.V.Sudhakar Reddy

The Court made the following:



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

Feeling aggrieved by Order and Decree, dated 18.10.2016, in FCOP.No.347 of 2012 on the file of the Judge, Family Court, Nellore, dismissing the said OP, the petitioner therein has filed this Appeal.

The appellant has also filed IA.No.1 of 2018 to convert the aforesaid FCOP.No.347 of 2012 as well as the present Appeal as those filed under Section 13-B of the Hindu Marriage Act, 1955, for passing a decree of dissolution of marriage on mutual consent. This Application is supported by a Compromise Memo signed by both parties and their respective Counsel, which contains the following terms:

(a) That it has been agreed that the appellant shall pay an amount of Rs.8,00,000/- (Rupees Eight Lakh Only) as full and final settlement towards permanent alimony, maintenance, *etc.*, to the respondent. Accordingly, the appellant obtained the D.D bearing No.362854 for Rs.8,00,000/- drawn on SBI, Gudur Branch payable at Nellore, in the name of the respondent and will be given to the respondent in the court hall.

b) That the respondent do hereby specifically declare and admit that she shall have no right to claim any amount from the appellant either at present or in future towards her maintenance and well being or any rights in the property of

the appellant and his relatives other than the amount mentioned in clause (a) above.

c) Similarly, the appellant also admits and declares that he shall not claim any right in the property of the respondent or any of her relatives either at present or in future.

Thus both parties do hereby admit and declare that there are no claims of whatsoever in nature by each of them against each other either at present, past or in future and that there are no dispute or disagreements of whatsoever in nature.

d) The respondent hereby undertakes to cooperate for quashing the proceedings in CC.No.148/2013 on the file of the V Addl. Judicial Magistrate of First Class, Nellore in respect of all the accused and she has no objection to allow the CRLP.14907/2013 pending before this Hon'ble High Court.

e) Further the respondent agreed that the CRLRC.No.1708/2017 filed by the appellant herein may be allowed setting aside the order dt.01.03.2016 passed in FCOP.No.70/2013.

f) Further, the appellant herein unconditionally undertakes to sign on all the necessary applications/memos/joint memos/petitions before the Hon'ble High Court or any other appropriate courts to quash the proceedings in the above mentioned criminal cases without any demur.

g) The parties do hereby declare that except the above mentioned cases no other suit, proceedings or petition is pending between them before any court, tribunal or authority.

h) Subject to the decree for dissolution of marriage from the Hon'ble High Court both Parties are at liberty to lead their respective life in a manner they like including the liberty to remarry with any person of their choice and also undertake

not to indulge in making any further allegations or defamatory statements against each other.

- i) Both the Parties further assure and covenant that they are ready and willing to sign any further documents, petitions, affidavits, memos, applications and other deeds as and when required to be filed before the competent court of law having jurisdiction or any other competent authority in order to fulfill the terms and conditions mentioned above.
- j) It is agreed between the parties that the judgment dated 18-10-2016, delivered by the family Court in FCOP.No.347/2012 shall be modified so as to dissolve the marriage of the appellant and respondent by mutual consent.”

At the hearing, the appellant has handed over a Demand Draft bearing No.362854, dated 25-01-2018, for a sum of Rs.8 lakhs drawn on the State Bank of India, Gudur, Nellore District, in the name of the respondent showing the State Bank of India, Nellore, as the drawee branch.

As Crl.P.Nos.14907 of 2013 & 976 of 2018 and Crl.R.C.No.1708 of 2017 have been pending before this Court, the Appeal is disposed of, with the consent of both the parties and, with the direction that the aforementioned Demand Draft be deposited with the Registrar (Judicial) and on the respondent producing the proof of withdrawal/quashing of the two Criminal Cases and the Criminal Revision Case

pertaining to maintenance against the petitioner, along with the proof of the copies thereof being served on the petitioner in advance, the Registrar (Judicial), after notice to the Counsel for both the parties and on being satisfied that both the Criminal Cases and the Criminal Revision Case are closed, shall hand over the Demand Draft to the respondent by passing an office order.

Subject to the above directions, IA.No.1 of 2018 is allowed, the Compromise Memo annexed thereto is taken on record and a decree dissolving the marriage between the parties by mutual consent is passed subject to the terms of Memo of Compromise.

As a sequel, Miscellaneous Petitions, pending if any, stand closed.

(C.V.Nagarjuna Reddy, J)

(Gudiseva Shyam Prasad, J)

Dt: 2nd February, 2018

Note:

1. CC in one week.
2. Communicate a copy of this order to the Registrar (Judicial)
High Court of Judicature at Hyderabad.

(B/o)
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