

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
&
THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

I.A.No.6 of 2018 & I.A.(USR) No.76781 of 2018
In/and
F.C.A.No.132 of 2015

DATE: 12-10-2018

Between:

C.Ramulu

..... APPELLANT

AND

Smt.C.Suguna

.....RESPONDENT

COUNSEL FOR THE APPELLANT : Sri MADHAVA RAO AMBADI PUDI

COUNSEL FOR RESPONDENT : Ms.NASEEB AFSHAN



THE COURT MADE THE FOLLOWING:

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
&
THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

I.A.No.6 of 2018 & I.A.(USR) No.76781 of 2018
In/ and
F.C.A.No.132 of 2015

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

This Family Court Appeal is filed against the Order and Decree, dated 28.07.2014, in O.P.No.1550 of 2011, on the file of the Judge, Additional Family Court, Hyderabad, whereby the aforementioned O.P filed by the appellant for dissolution of marriage under Section 13 (i)(ia) of the Hindu Marriage Act, 1955 (for short "the Act") has been dismissed.

During the pendency of this appeal, the appellant has filed I.A.No.6 of 2018 to permit himself and the respondent to settle the dispute and to grant a decree of divorce. Along with the said application, the appellant filed a joint memo, signed by both the parties and their respective counsel, which contains the following terms of settlement:

- i) Both parties shall proceed towards dissolving the marriage by way of mutual consent.
- ii) That in view of the mutual understanding between the parties, the Appellant shall make a total payment of the sum of Rs.12,00,000/- (Rupees twelve lakhs only), towards full and final payment to the respondent and her two daughters, out of which the amount of Rs.4,00,000/- (Rupees four lakhs only) towards permanent alimony to the respondent, the amount of Rs.4,00,000/- (Rupees four lakhs only) to the first daughter i.e., C.Spandana and amount of Rs.4,00,000/- (Rupees four lakhs only) to the second daughter C.Sapna. Both parties have agreed that this payment shall put an end to all the disputes and differences, past, present or future, between them.
- iii) That the appellant herein paid the sum of Rs.1,00,000/- (Rupees one lakh only) by cash at the time of entering into MOU, dated 29.01.2018 and also paid Rs.50,000/- (Rupees fifty thousand only) at the time of

withdrawal of M.C.No.43 of 2014 before the Hon'ble Addl.Family Court, City Civil Court, Hyderabad to the respondent on 22.06.2018, out of Rs.4,00,000/- (Rupees four lakhs only) towards her permanent alimony and the remaining amount of Rs.2,50,000/- (Rupees two lakh fifty thousand only) shall be paid by way of D.D. to the respondent at the time of obtaining divorce decree.

- iv) That the petitioner herein/appellant also agreed to deposit the sum of Rs.4,00,000/- (Rupees four lakhs only) each to his two daughters towards their full and final payment which includes, education, medical and marriage expenses etc., and the said deposited amount can withdraw, after attaining their majority.
- v) I submit that my two daughters C.Spandana and C.Sapna are under care and custody of the respondent and they shall continue forever under care and custody of respondent.

A separate application is filed vide USR No.76781/2018 by the appellant seeking permission to amend O.P.No.1550 of 2011 for grant of a decree of dissolution of marriage by mutual consent under Section 13 (B) of the Act in pursuance of the Memorandum of Understanding-cum Joint Compromise Memo, dated 29.01.2018.

At the hearing, the appellant as well as the respondent along with their two daughters are personally present. The respondent acknowledged receipt of a sum of Rs.12,00,000/- (Rupees twelve lakhs only) through Demand Drafts and Cheques, as per the terms of the memorandum of compromise. She also expressed her willingness for grant of decree of dissolution of marriage by mutual consent under Section 13 (B) of the Act.

In the light of the above, both the Interlocutory Applications are allowed. Registry is directed to assign regular number to I.A.(USR) No.76781/2018. Consequently, F.C.A.No.132 of 2015 is allowed.

O.P.No.1550 of 2011 on the file of the Additional Family Court, Hyderabad, as amended, is decreed by granting decree of dissolution of marriage between the parties by mutual consent. No order as to costs.

C.V.NAGARJUNA REDDY,J

T.AMARNATH GOUD,J

Date: 12.10.2018
Dsr

