

HON' BLE SRI JUSTICE SURESH KUMAR KAIT

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HON' BLE SRI JUSTICE M.S.K. JAISWAL

I.A.No. 1 of 2018 in C.M.A.No. 235 of 2016

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C.M.A.No. 235 of 2016

JUDGMENT:- (ORAL)

(Per Hon' ble Sri Justice Suresh Kumar Kait)

This appeal is directed against the Common Order and decree dated 08.02.2016 in H.M.O.P.No. 158 of 2010 passed by the Principal Senior Civil Judge, Machilipatnam, Krishna District whereby the petition filed by the appellant-husband under Section 13(1)(i)(ia) of the Hindu Marriage Act, 1956 seeking to grant divorce, was dismissed.

During pendency of the appeal, the appellant-husband and the respondent-wife have settled their disputes and to that effect filed a Compromise Memo. Pursuant thereto, the appellant has filed I.A.No. 1 of 2018 seeking to amend the provision of law as Section "13-B" in place of Sec. "13(1)(ia) of the Hindu Marriage Act in H.M.O.P.No. 158 of 2010 on the file of the Court of the Principal Senior Civil Judge, Machilipatnam.

The appellant-husband and the respondent-wife are personally present in the Court with their respective counsel and they are identified by their counsel. Moreover, the appellant –husband and the respondent –wife have produced their Aadhaar Cards bearing Nos.6698 6221 0540 and 3612

1940 6774 respectively issued by the Government of India. Original Aadhaar Cards are seen and returned to them and their photocopies are placed on record.

The learned counsel for both the parties jointly state that settlement has been taken place between the appellant and the respondent whereby it is agreed that the appellant has offered to pay an amount of Rs.55.00 lakhs (Rupees Fifty Five Lakhs Only) to the respondent towards full and final settlement of permanent alimony. The respondent has accepted the above proposal and agreed to give divorce by mutual consent. The respondent submits that she has received the total amount of Rs.55.00 lakhs and has no objection if the present petition is allowed.

Keeping in view the settlement took place between the appellant and the respondent, we hereby dissolve the marriage took place on 31.10.2003 between the appellant and the respondent by mutual consent.

Accordingly, I.A.No. 1 of 2018 is allowed as prayed for. Consequently, C.M.A.No. 235 is allowed granting divorce by mutual consent and also in terms of the Compromise Memo filed by both the parties. No order as to costs.

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

04.01.2018

bcj

SURESH KUMAR KAIT, J

M.S.K. JAISWAL, J