

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

C.M.A.No.372 of 2010

Date: 09.03.2018

Between:

Appidi Bhagyalaxmi W/o.Raji Reddy,
Aged 47 years Occ: Household
R/o.C/o.Kethireddy Venkat Reddy,
S/o.Raji Reddy, Ramakrishnapur Colony,
V/o.Thimmapur mandal,
Karimnagar district

...

Appellant

And

Appidi Raji Reddy, S/o.Kishta Reddy,
Aged 55 years, Occ: Singareni Employee
(Lab Technician) R/o.Q.No.2-311,
Bus Stand Colony, Godavarikhani,
Karimnagar district

...

Respondent

Counsel for the Appellant : Mr. S.Srinivasa Sharma

Counsel for the Respondent: Mr.Y.Rama Rao

The Court made the following:

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

This civil miscellaneous appeal is filed by the respondent in O.P.No.84 of 2005, feeling aggrieved by order and decree dated 20.10.2010 on the file of the Senior Civil Judge, Karimnagar, whereby decree of divorce is granted in favour of the respondent herein.

2. The appellant has filed I.A.No.2 of 2018, wherein she has stated that she is ready for a decree of divorce on mutual consent by amending the prayer in O.P.No.84 of 2005, by substituting Section 13 (1) (i) (ia) (ib) of Hindu Marriage Act, 1955 (for short 'the Act') with Section 13(B) of the Act. She has further stated that she has agreed to receive a sum of Rs.6,00,000/-, in full and final settlement of all her claims against the respondent.

3. The appellant also filed I.A.No.1 of 2018, seeking amendment of the prayer in the O.P., as referred to above.

4. At the hearing, Mr.Y.Rama Rao, learned counsel for the respondent, has handed over the Demand Draft for Rs.6,00,000/-, taken out in the name of the appellant, to the counsel, who in turn has entrusted the same to the appellant. On receiving the Demand Draft, the appellant requested the court to modify the decree sanctioned by the lower Court, as one under Section 13(B) of the Act. The respondent who is personally present in the court, also did not oppose to the said request.

5. In the light of the above, the order and decree dated 20.01.2010 in O.P.No.84 of 2005, stands modified to the extent that the decree of divorce is granted by mutual consent under Section 13(B) of the Act, subject to the condition that the appellant will not have any claims whatsoever, against the respondent in future.

6. The civil miscellaneous appeal is, accordingly, allowed.

7. As a sequel, miscellaneous applications if any, stand disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

(Gudiseva Shyam Prasad,J)

Date: 09th March, 2018

msb



