

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

AND

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

I.A.Nos.4 to 6 of 2018

in/&

F.C.A.No.23, 7 of 2018

Date: 30.11.2018

Between:

Dr.Ramya Deepthi,
W/o.Satyanarayana Raju,
D/o.Irava Babu Rajendra Prasad,
Aged about 33 years, R/o.Flat No.401,
Gharonda Pancham Apartments,
Padma Rao Nagar, Secunderabad,
presently R/o.Kalpna Ladies Hostel,
H.No.316, OMR Road, Besides Gateway Hotel,
Opp. Dollar Stop, Shollinganalur,
Chennai – 600119.

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Appellant

And

Satyanarayana Raju,
S/o.Saraswathi Sayyad Raju,
Aged about 36 years,
Occ: Software Employee,
R/o.H.No.3-6-55/D, Indiranagar,
Ramanthapur, Near Rejoice Play School,
Hyderabad- 500113
permanent R/o.Q.No.D-3,
1st Zone, Mandamarri,
Mancherial district
Telangana State.

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Respondents

Counsel for the Appellant : Mrs. S.A.V. Ratnam

Counsel for the Respondent: Mr.Ch.Dhanamjaya

The Court made the following:

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

This F.C.A. is filed by the appellant, who is the wife of the respondent, aggrieved by the order and decree dated 25.05.2018 in F.C.O.P.No.2317 of 2016 on the file of the Family Court, Ranga Reddy district, whereby the Family Court has dissolved the marriage of the parties under Section 13 (1) (ia) of the Hindu Marriage Act (for short 'the Act').

2. The respondent has filed I.A.No.4 of 2018, to permit him to amend prayer in F.C.O.P.No.2317 of 2016, by substituting Section 13 (1) (ia) of the Act with Section 13-B of the Act, so as to grant divorce by mutual consent. The appellant has filed I.A.No.6 of 2018, for recording compromise and pass a decree of divorce, by dissolving marriage by mutual consent. In paragraph 3 of the affidavit in support of I.A.No.6 of 2018, the appellant has stated that during the pendency of this appeal, both the parties decided to get divorce by mutual consent by withdrawing the allegations leveled against each other and that they have further agreed that the respondent will pay a sum of Rs.16 lakhs to the appellant, towards full and final settlement of her claim, in two instalments i.e. first instalment is payable on 28.11.2018 and second instalment is payable on 19.12.2018. It is further stated that the 1st instalment of Rs.8 lakhs was paid on 28.11.2018 by way of Demand draft bearing No.501840 dated 26.11.2018 drawn on ICICI Bank, DLF Branch, Hyderabad and for

the balance amount, a post dated cheque bearing No.057357 dated 19.12.2018 drawn on ICICI Bank, DLF Branch, Hyderabad, was given to the appellant by the respondent.

3. At the hearing, both the parties are personally present. They have expressed their desire to get separated legally, by mutual consent. The appellant has also stated that in the event of dishonour of the cheque for the balance amount of Rs.8 lakhs, the respondent agreed that this order would stand set aside and the appellant can seek revival of the appeal.

4. In the light of the above, I.A.Nos.4 to 6 of 2018 are allowed. The marriage between the parties is dissolved by mutual consent under Section 13-B, by expunging the findings rendered by the lower court against the parties.

5. The appeal is, accordingly, disposed of.

6. As a sequel to the disposal of the appeal, I.A.Nos.1 to 3 of 2018 are disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

(T.Amarnath Goud, J)

Date: 30th November, 2018

msb

