

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

AND

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

I.A.No.1 of 2018

in/and

FAMILY COURT APPEAL No.28 of 2006

22.11.2018

Between:

Smt.B.Adilakshmi

..Applicant/Appellant

and

B.B.John Reddy and others

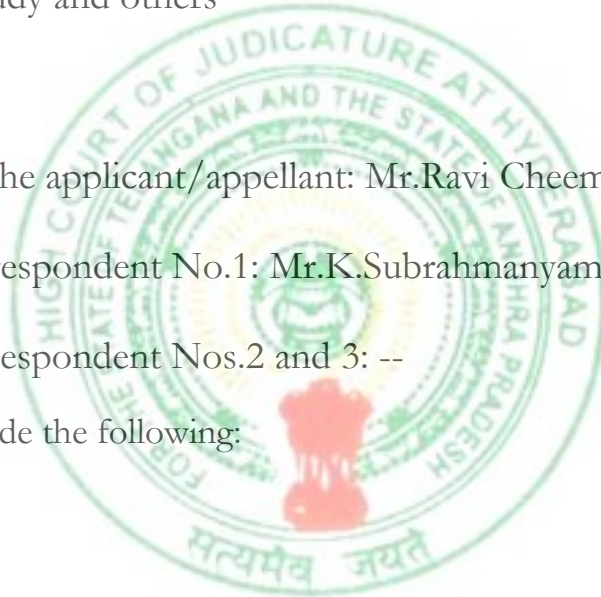
..Respondents

Counsel for the applicant/appellant: Mr.Ravi Cheemalapati

Counsel for respondent No.1: Mr.K.Subrahmanyam

Counsel for respondent Nos.2 and 3: --

The Court made the following:



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

This Family Court Appeal is filed against judgment and decree, dated 03.11.2005, in O.S.No.60 of 2001 on the file of the learned Judge, Family Court, Visakhapatnam, whereby the learned Judge has dismissed the suit filed by the appellant for declaration that she is the legally wedded wife of deceased Ramana Reddy @ Rami Reddy (hereinafter referred to as 'the deceased') and that she is entitled to the death benefits payable to the family of the deceased.

2. The appellant filed I.A.No.1 of 2018 for recording the compromise between herself and respondent No.1. In the affidavit filed by her in support of the said I.A., the appellant has stated that herself and respondent No.1 have settled the disputes amicably in terms of the memorandum of understanding filed along with I.A.No.1 of 2018. The gist of the terms of the said memorandum of understanding is that respondent No.1 will be entitled to the payment of future pension; that the appellant and respondent No.1 will equally share the arrears of pension and other retiral benefits and that the daughter of the appellant *viz.*, Bora Tarakeswari will be entitled to claim

appointment on compassionate grounds due to the death of the deceased.

3. At the hearing, both the appellant and respondent No.1 are personally present. When questioned respondent No.1 about the discrepancy with regard to her name as B.B.Jhon Reddy as appeared on record in the suit and the F.C.A. and as Bibi Janu as appeared in the memorandum of understanding, she has explained that she belongs to muslim community; that her original name is Bibi Janu and that as she married the deceased, she has been called as B.B.Jhon Reddy. The appellant has stated that Bibi Janu and B.B.Jhon Reddy are one and the same and that the person, who is present in the Court, is respondent No.1. Both the parties admitted to the contents of the memorandum of understanding, the gist of which was explained by the Court to them.

4. In the light of the above discussion, I.A.No.1 of 2018 is allowed recording the compromise; judgment and decree, dated 03.11.2005, in O.S.No.60 of 2001 on the file of the learned Judge, Family Court, Visakhapatnam, are set aside,

and O.S.No.60 of 2001 is decreed in terms of clause (6) of the memorandum of understanding filed along with I.A.No.1 of 2018. F.C.A.No.28 of 2006 is allowed to the extent indicated above.

5. As a sequel to allowing the F.C.A., F.C.A.M.P.Nos.43 and 280 of 2006 are disposed of.

C.V.NAGARJUNA REDDY, J

T.AMARNATH GOUD, J

22nd November, 2018

GHN

