

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

and

The Hon'ble Sri Justice T.Amarnath Goud

IA.Nos.2 & 3 of 2018 in/& CMA.No.745 of 2011

Date: 11.10.2018

CMA.No.745/11

Between:

Nadimpalli Nagendra Madhu Varma

...

Appellant

and

Nadimpalli Raaga Jyothi

...

Respondent

Counsel for the Appellant : Mr.V.K.Viswanath

Counsel for the respondent : Ms.MSVS.Sudharani

The Court made the following:

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

CMA No.745 of 2011 is filed by the petitioner in HMOP.No.67 of 2004 on the file of the Principal Senior Civil Judge, Kovvur, feeling aggrieved by dismissal of the said OP filed for annulment of marriage under Section 12 (1) (b) of the Hindu Marriage Act, 1955 (for short 'the Act').

IA.No.2 of 2018 is filed by the respondent in the CMA and IA.No.3 of 2018 is filed by the appellant in the CMA for an identical relief *viz.*, to permit them to convert HMOP.No.67 of 2004 into the one filed for grant of divorce by mutual consent under Section 13-B of the Act.

In the affidavits, filed in support of IA.Nos.2 and 3 of 2018, by the respective parties, it is stated that they have sorted out their disputes in an amicable manner, as per which, the appellant has agreed to pay an amount of Rs.40 lakhs to the respondent by way of three Demand Drafts, the details of which have been referred to in Paragraph 5 of the respective affidavits. In Paragraph 6 of her affidavit, the respondent stated as under:

“I hereby convey my consent in converting the above C.M.A. which is filed against the dismissal order in H.M.O.P.No.67/2004 filed under Section 12 (1) (b) of Hindu Marriage Act, 1955, read with Rule 2(v) of Milles regulate

proceeding under Hindu Marriage Act, 1955 into a mutual consent divorce under section 13 B of Hindu Marriage Act 1955, for nullifying the marriage dated 28-11-2002 which was solemnized between myself and appellant.”

During the hearing, the Special Power of Attorney of the appellant has handed over the Demand Drafts for Rs.40 lakhs, towards settlement of the dispute as referred to above, to the respondent, who acknowledged receipt of the same. The respondent has submitted that she is willing for dissolution of marriage by mutual consent with the appellant.

In the light of the above, IA.Nos.2 and 3 of 2018 are allowed, HMOP.No.67 of 2004 as amended is decreed by dissolving the marriage between the parties by mutual consent under Section 13-B of the Act in terms of the compromise reached between the parties and the CMA is, accordingly, disposed of.

(C.V.Nagarjuna Reddy, J)

(T.Amarnath Goud, J)

Date: 11th October, 2018
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