

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

AND

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

CRIMINAL REVISION CASE No.1831 of 2012

and

I.A.Nos.1, 2 and 3 of 2018 in/and

FAMILY COURT APPEAL No.101 of 2015

28.11.2018

Crl.R.C.No.1831 of 2012:

Between:

Kommireddy Chandrasekhar Reddy

..Petitioner

and

Kommireddy Mohitya and another

..Respondents

Counsel for the petitioner: Mr.A.Chandraiah Naidu

Counsel for respondent No.1: Mr.R.Ramachandra Reddy
for Mr.D.Sethurami Reddy

Counsel for respondent No.2:--

F.C.A.No.101 of 2015:

Between:

Kommireddy Chandrasekhar Reddy

..Appellant

and

Smt.Kommireddy Pratheesha @ Chandana Prathyusha

..Respondent

Counsel for the petitioner: Mr.A.Chandraiah Naidu

Counsel for the respondent: Mr.R.Ramachandra Reddy
for Mr.D.Sethurami Reddy

The Court made the following:

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

Crl.R.C.No.1831 of 2012 is filed against order and decree, dated 21.06.2012, in F.C.O.P.No.188 of 2011 on the file of the learned Judge, Family Court, S.P.S.R. Nellore District.

2. F.C.A.No.101 of 2015 is filed against order and decree, dated 21.06.2012, in F.C.O.P.No.170 of 2010 on the file of the learned Judge, Family Court, S.P.S.R. Nellore District.

3. The parties are hereinafter referred to as they are arrayed in F.C.A.No.101 of 2015.

4. In F.C.A.No.101 of 2015, I.A.No.1 of 2018 is filed for recording compromise and to dispose of the F.C.A. I.A.No.2 of 2018 is filed for identical relief. I.A.No.3 of 2018 is filed for permitting the appellant to amend the prayer in F.C.O.P.No.170 of 2010 by substituting the original prayer with the following prayer.

“The Petitioner and the Respondent herein pray that the Hon'ble Court may be pleased to pass a Judgment and Decree under Section 13 A r/w. 13 B of Hindu Marriage Act, 1955 granting mutual divorce dissolving the marriage held on 17/5/2002

between the Petitioner and the Respondent in the interest of justice.”

5. In the affidavit filed in support of I.A.No.1 of 2018 in F.C.A.No.101 of 2015 signed by both the parties and their respective counsel, it is stated that the parties have decided to settle the dispute amicably to avoid future complications. Along with I.A.No.2 of 2018, the parties have filed a joint compromise memo, dated 03.09.2018, the terms of which, read as under.

“A. The petitioner herein i.e., in FCA 101/2015 in Crl.R.C.1831/2012 and the respondent agreed for mutual divorce and henceforth they shall not be having any relationship as wife and husband between them.

B. The husband shall deposit Rs.2 lakhs towards the permanent (present and future) maintenance/welfare to Kumari K.Mohithyaa. On such deposit Kumari Mohithyaa alone shall have right to utilize the said amount for her welfare.

C. Subsequent to the deposit of the said amount Rs.2 lakhs by the petitioner, Kumari K.Mohithyaa shall not have any claim/right over the properties of the petitioner/Petitioner's family.

D. The respondent herein (wife) i.e., Smt.K.Pratheesha shall withdraw the criminal case CC 545/2009 which was made over and numbered as CC 295/2012 on the file of the V Addl.Judicial First Class Magistrate, Nellore within 10 days from today.

E. The wife i.e. the respondent herein shall not have any mode of claim/claims towards her maintenance/alimony from the petitioner(husband) nor shall have any mode of right/rights over his either moveable or immoveable properties or over his parents' properties and even if any such claim is made by her contrary to this compromise petition, the same shall not be legal, nor valid and not enforceable.

F. After obtaining the compromise decree, the petitioner shall not have any right or claim over the respondent i.e. wife or her properties.

G. Both the parties agreed that the minor Kumari K.Mohithyaa is at liberty to stay with any of her parents as per her choice and both the parties have liberty to visit her wherever she stays at the place and time mutually agreeable by all the parties.

H. From now onwards both the parties are at liberty to live independently as per their wish.”

6. At the hearing, both the parties are personally present.

The respondent has informed the Court that she has received a sum of Rs.2,00,000/- (Rupees two lakhs only) towards present and future maintenance and that she has no objection for decreeing F.C.O.P.No.170 of 2010 and setting aside the orders under revision and appeal.

7. Accordingly, I.A.Nos.1 to 3 of 2018 are allowed.

The prayer in F.C.O.P.No.170 of 2010 is permitted to be amended as prayed for. F.C.O.P.No.170 of 2010, as amended, is decreed by granting decree of divorce by mutual consent subject to the terms of compromise, which are made part of this judgment and order and decree, dated 21.06.2012, in F.C.O.P.No.188 of 2011 and order and decree, dated 21.06.2012, in F.C.O.P.No.170 of 2010 on the file of the learned Judge, Family Court, S.P.S.R. Nellore District are set aside.

8. Crl.R.C.No.1831 of 2012 and F.C.A.No.101 of 2015 are, accordingly, allowed.

9. As a sequel to allowing the Crl.R.C. and the F.C.A., I.A.No.1 of 2017 (F.C.A.M.P.No.413 of 2017) in F.C.A.No.101 of 2015 and I.A.No.2 of 2012 (Crl.R.C.M.P.No.2778 of 2012) and Crl.R.C.M.P.No.2777 of 2012 in Crl.R.C.No.1831 of 2012 filed by the appellant stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

T.AMARNATH GOUD, J

28th November, 2018

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