

HON' BLE SRI JUSTICE SURESH KUMAR KAIT
&
HON' BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

I.A.No. 1 of 2018 in F.C.A. No. 132 of 2017
&
F.C.A. No. 132 of 2017

JUDGMENT:- (ORAL)

(Per Hon' ble Sri Justice Suresh Kumar Kait)

This appeal is preferred against the order and decree dated 07.06.2016 in F.C.O.P.No. 160 of 2013 passed by the Family Court, S.P.S.R.Nellore District, whereby the petition filed by the appellant under Section 10(1)(ix) and (x) of Divorce Act for dissolution of marriage between the appellant and the respondent, has been dismissed.

During the pendency of the present appeal, both the parties have resolved their issues and want to get apart and live separately from the matrimonial home by dissolving their marriage performed on 08.05.1987. To this effect, this Court, on 20.04.2018 passed the following order:

“A mention was made for taking up the matter, on the ground that the parties have settled their disputes and entered into a compromise. But, no affidavit is filed in support of the said compromise. The learned counsel for the appellant submits that an affidavit would be filed today.

The parties are present before the Court today and are identified by the counsel for the respondent, Sri K.Venkateswara Rao. Smt.Kolla Ruth Sharmila, who is the respondent-wife of the appellant therein, when examined, stated that both the parties have settled the disputes and pursuant to the said settlement, D.D.No. 886785 drawn on the State Bank of India, Nellore Branch, for an amount of Rs.4.00 lakhs has been handed over to her. It is

further stated that the daughter of the appellant and the respondent is married and is settled with her husband, and therefore, there is no issue with regard to the custody of the children.

The appellant-husband by name Dr.K.C.Vedanthi is also present before the Court. When examined, he also stated that both the parties have settled the disputes and towards permanent alimony, a sum of Rs.4.00 lakhs is paid to the respondent-wife by way of demand draft.

Having regard to the above, we feel that it is a fit case where the request of the parties for grant of divorce by consent can be accepted, as there is no possibility of their living together again.

Post on 30.04.2018 under the caption "For Orders". In the meanwhile, an affidavit, coupled with the compromise memo signed by both the parties and their counsel, along with proof of identification of the parties, shall be filed with the Registry."

In pursuance of the above order, the respondent-wife has filed the present application along with an affidavit and both the parties have filed Compromise Memo jointly stating that there is no chance for their reunion and have decided to obtain decree of divorce, and pray to grant decree of divorce by dissolving their marriage solemnized on 08.05.1987.

Since compromise has taken place between the parties, who have decided to dissolve their marriage, as mentioned in the affidavit and in the Compromise Memo, I.A.No. 1 of 2018 and F.C.A.No. 132 of 2017 are allowed setting aside the order dated 07.06.2016 in F.C.O.P.No. 160 of 2013 passed by the Family Court, S.P.S.R. Nellore District. Consequently, the marriage of the appellant – husband and the respondent –

wife, which was solemnized on 08.05.1987, is hereby dissolved as per the terms of Compromise Memo filed by the parties. It is made clear that the allegations made against each other during pendency of the divorce petition have been withdrawn by each of the parties, as such, the same are hereby condoned. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

20.07.2018

SURESH KUMAR KAIT, J

bcj

ABHINAND KUMAR SHAVILI, J

