

HON' BLE SRI JUSTICE SURESH KUMAR KAIT

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HON' BLE SRI JUSTICE T. AMARNATH GOUD

I.A.No. 1 of 2018 in F.C.A.No. 319 of 2017

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F.C.A.No. 319 of 2017

JUDGMENT:- (ORAL)

(Per Hon' ble Sri Justice Suresh Kumar Kait)

This matter is taken up for disposal with the consent of both the parties on the ground of compromise took place between them for dissolution of their marriage.

This appeal is preferred against the order and decree dated 21.06.2017 in F.C.O.P.No. 2 of 2015 passed by the Judge, Family Court, Secunderabad, whereby the petition filed by the appellant – husband for dissolution of the marriage on the ground of cruelty, has been dismissed.

During pendency of the appeal, the appellant and the respondent have entered into compromise and have filed the present application i.e. I.A.No. 1 of 2018 seeking to record Memorandum of Compromise dated 19.09.2018 and grant divorce by mutual consent. In the terms of compromise, it is enumerated that the appellant has agreed to pay an amount of Rs.12.00 lakhs (Rupees Twelve Lakhs Only) to the respondent-wife towards full and final settlement and permanent alimony. Consequently, the appellant paid an amount of Rs.3.00 lakhs (Rupees Three Lakhs Only) by way of Demand Draft bearing No.619846, dated 06.09.2018 drawn on

State Bank of India, Lalaguda Branch, Secunderabad and handed over the same to the respondent on the day when she has withdrawn D.V.C. No. 86 of 2015 filed against the appellant before the Court of IV Metropolitan Magistrate, Nampally, Hyderabad. The appellant has also paid an amount of Rs.9,00,000/- (Rupees Nine Lakhs Only) by way of two Demand Drafts bearing Nos.619889 and 619890, dated 17.09.2018 for Rs.4,50,000/- (Rupees Four Lakhs Fifty Thousand Only) each, drawn on State Bank of India, Lalaguda Branch, Secunderabad to the respondent on 19.09.2018. Thus, the learned counsel for the appellant submits that the total amount of Rs.12.00 lakhs, as agreed by the appellant, has already been paid in favour of the respondent-wife, and prays that the marriage between the appellant and the respondent may be dissolved.

The respondent – wife is personally present in the Court with her counsel Sri Y.V.S.S.Siva Sarma. For her identification, she has filed photocopy of her Aadhaar Card bearing No. 6423 4042 9343 issued by the Government of India. She submits that she has received the total amount of Rs.12.00 lakhs from the appellant and has no objection if the present appeal is allowed by dissolving their marriage solemnized on 21.08.2013.

In view of the above, we hereby dissolve the marriage between the appellant and the respondent solemnized on 21.08.2013 in terms of the Memorandum of Compromise and grant divorce by mutual consent. It is made clear that the allegations made against each other have been condoned by the parties.

Accordingly, I.A.No. 1 of 2018 is allowed. Consequently, the appeal is allowed in terms of the Memorandum of Compromise dated 19.09.2018 filed by the parties. No order as to costs.

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

05.10.2018

SURESH KUMAR KAIT, J

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T. AMARNATH GOUD, J