

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

I.A.Nos.1, 2 and 3 of 2018
in/and
CIVIL MISCELLANEOUS APPEAL No.953 of 2016

12.09.2018

Between:

Pasumarthi Venkata Seshachala Nagendra Kumar @ Seshu Kumar

..Applicant/appellant

and

Smt.Kotturi Lakshmi Prasanna

..Respondent

Counsel for the applicant/appellant: Mr.Bala Subrahmanyam

Counsel for the respondent: Mr.Seetaramaiah Tenneri

The Court made the following:



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

The unsuccessful petitioner in H.M.O.P.No.5 of 2013 on the file of the learned Principal Senior Civil Judge, Machilipatnam, filed this Civil Miscellaneous Appeal feeling aggrieved by order and decree, dated 01.12.2015, in the said H.M.O.P. By the aforementioned order, learned Principal Senior Civil Judge, Machilipatnam, has dismissed the H.M.O.P. filed by the appellant for dissolution of his marriage with the respondent.

I.A.No.1 of 2018 is filed for amending the prayer in the aforementioned H.M.O.P. to dissolve the marriage by mutual consent under Section 13-B of the Hindu Marriage Act, 1955 (for short 'the Act').

I.A.No.2 of 2018 is filed for passing a decree for dissolution of marriage between the parties by mutual consent under Section 13-B of the Act.

I.A.No.3 of 2018 is filed for amending the petition in H.M.O.P.No.5 of 2013 i.e., (i) by incorporating the portion mentioned in this application, at the end of paragraph (8) of the petition in the H.M.O.P.; and (ii) by incorporating clause (d) mentioned in this application, after clause (c) of paragraph (13) of the H.M.O.P.

2. At the hearing, the appellant as well as the respondent are personally present in the Court. Both the parties have expressed their intention to separate from each other by way of dissolution of their marriage by mutual consent under Section 13-B of the Act. The respondent has stated that in pursuance of the settlement reached between herself and the appellant, she has received two demand drafts for Rs.2.5 lakhs each, totalling Rs.5 lakhs.

3. In the light of the settlement reached between the parties as above, I.A.Nos.1, 2 and 3 of 2018 are allowed. The order and decree, dated 01.12.2015, in H.M.O.P.No.5 of 2013 are set aside. The aforementioned H.M.O.P., as amended, is decreed by dissolving the marriage between the parties by mutual consent under Section 13-B of the Act. The Registry shall, accordingly, prepare a decree.

4. In the result, the Civil Miscellaneous Appeal is allowed.

C.V.NAGARJUNA REDDY, J

GUDISEVA SHYAM PRASAD, J

12th September, 2018
GHN

