

THE HONOURABLE SRI JUSTICE C. PRAVEEN KUMAR

And

THE HONOURABLE SRI JUSTICE T. AMARNATH GOUD

I.A.No.1 of 2018 In/and C.M.A.No.1228 of 2017

&

I.A.No.1 of 2018 In/and C.M.A.No.1229 of 2017

COMMON JUDGMENT: (per Hon'ble Sri Justice C.Praveen Kumar)

1) The present appeals came to be filed, aggrieved by the common order and decree dated 18.01.2017, passed in M.O.P.No.70 of 2010 and M.O.P.No.48 of 2010 on the file of the II Additional Senior Civil Judge, Nandyal, wherein, while dismissing the application filed by the husband seeking dissolution of the marriage between the parties, allowed the application filed by the wife seeking restitution of conjugal rights.

2) The facts in issue are as under:

The appellant in both the appeals filed M.O.P.No.70 of 2010 seeking dissolution of marriage between the appellant and the respondent, where as the respondent herein filed M.O.P.No.48 of 2010 seeking restitution of conjugal rights. Vide common order and decree dated 18.01.2017, the learned II Additional Senior Civil Judge, Huzurnagar, dismissed the O.P. filed by the husband seeking divorce and allowed the application filed by the wife seeking restitution of conjugal rights.

Challenging the same the present appeals came to be filed by the husband.

3) During pendency of the appeal, petitions came to be filed seeking divorce by mutual consent. Along with the said applications, the parties herein also filed their terms of compromise.

4) Today, the appellant and respondent are present. Sri N.Aswartha Narayana, Advocate, identified the appellant and Sri Gudiseva Narasimha Rao, Advocate, identified the respondent. When examined, the appellant stated that at the instance of the elders, they have settled the matter out of the Court and both the parties agreed to stay separately in terms of the compromise. In the affidavit filed along with the petitions, it has been stated that the appellant agreed to pay Rs.4,00,000/- to the respondent towards permanent alimony. When examined, the respondent-wife stated that she has received a sum of Rs.4.00 lakhs as agreed upon and has no objection for granting divorce.

5) Having regard to the above and since the parties have settled their disputes, we deem it appropriate to dispose of the appeals in terms of the settlement, arrived at by the parties.

6) Accordingly, I.A.No.1 of 2018 in C.M.A.No.1228 of 2017 and I.A.No.1 of 2018 in C.M.A.No.1229 of 2017 are allowed and the marriage between the appellant and respondent dated

28.05.2009 is hereby dissolved, by granting mutual consent divorce in terms of the compromise and C.M.A.No.1229 of 2017 is disposed of. Consequently, C.M.A.No.1228 of 2017 filed against the order of restitution of conjugal rights stands allowed. Miscellaneous petitions, if any, pending in these appeals shall stand closed. There shall be no order as to costs.

C. PRAVEEN KUMAR, J

T. AMARNATH GOUD, J

18.04.2018
GM

