

THE HONOURABLE SRI JUSTICE RAGHVENDRA SINGH CHAUHAN

AND

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

F.C.A.NO.17 OF 2019 AND I.A.NO.1 OF 2019

COMMON JUDGMENT: {Per the Hon'ble Sri Justice Raghvendra Singh Chauhan}

Mr. Malayal Sravan Kumar, the appellant-husband, is present before this Court. He has submitted a copy of his Aadhar Card in order to establish his identity. He has also been identified by his counsel, Mr. Cheruku Ramesh.

Similarly, Ms. Malyal Archana, the respondent-wife, is present before this Court. She too has submitted a copy of her Aadhar Card in order to establish her identity. She has also been identified by her counsel, Mr. Vishnu Sharma.

The appellant has challenged the legality of the judgment and decree dated 09.11.2018, passed by the XV Additional District Judge-cum-II Additional Family Judge, Ranga Reddy District at Kukatpally, whereby, the learned Family Court has dismissed the divorce petition filed by the appellant-husband against the respondent-wife.

However, during the pendency of the present appeal, both the parties have mutually agreed to divorce. They have filed an application under Section 13-B of the Hindu Marriage Act. They have also filed a memorandum of understanding-cum-settlement. A copy of the memorandum of understanding-cum-settlement has been submitted before this Court. The same shall be taken on record.

According to the terms of the compromise, the parties have resolved all their disputes with regard to the claim of the gold

jewellery, available articles and other claims. They have further resolved, that in future there will not be any claim whatsoever against each other with respect to any articles.

Moreover, the appellant-husband has agreed to pay a sum of Rs.28,00,000/- to the respondent-wife as full and final settlement of permanent alimony and past maintenance. The respondent-wife has promised not to make any other claim whatsoever with regard to the future maintenance, or with regard to any share in the property belonging to the appellant. Both the parties have also agreed that the amount of Rs.28,00,000/- has already been paid to the respondent through DD bearing No.517710 for a sum of Rs.9,00,000/-, DD bearing No.517711 for a sum of Rs.9,00,000/- and DD bearing No.517712 for a sum of Rs.10,00,000/-, respectively, drawn on ICICI Bank, Madhapur Branch.

Under these circumstances and conditions, both the parties have agreed to mutually divorce each other.

Considering the fact that the parties have separated on 15.12.2012, i.e. for almost last seven years, considering the fact that the parties have mutually agreed to divorce, and considering the fact that waiting for six months under Section 13-B of the Hindu Marriage Act, as statutory period, need not be observed, this Court dissolves the marriage solemnized on 14.06.2012 between the parties. Therefore, the Registry is directed to draft the decree in terms of the memorandum of understanding-cum-settlement produced by the parties.

Therefore, the appeal is disposed of in terms of the memorandum of understanding-cum-settlement and I.A.No.1 of

2019 is ordered. There shall be no order as to costs.

Miscellaneous petitions, if any, pending shall stand closed.

(RAGHVENDRA SINGH CHAUHAN, J)

(T.AMARNATH GOUD, J)

5th February 2019
RRB