

THE HON'BLE THE CHIEF JUSTICE RAGHVENDRA SINGH CHAUHAN
AND
THE HON'BLE SRI JUSTICE DR. SHAMEEM AKTHER

I.A.Nos.2 & 3 OF 2019 AND F.C.A.No.300 OF 2010

JUDGMENT: (Per the Hon'ble the Chief Justice Raghvendra Singh Chauhan)

Mr. M. Anil Kumar, the appellant, and Smt. M. Lalitha, the respondent are present before this Court. In order to establish their identity, both of them have submitted their respective Aadhar Cards before this Court. Both the parties have also been identified by their respective counsel.

Both the parties are *ad idem* that they would like to divorce each other on the basis of mutual consent. They are also *ad idem* that they have entered into a compromise for dissolution of their marriage dated 22.08.2004. A copy of the compromise has been submitted before this Court as I.A. No. 2 of 2019. The same shall be placed on record. Along with the said I.A., an application, i.e. I.A. No. 3 of 2019 under Section 13-B of the Hindu Marriage Act, 1955 (for short 'the Act') has also been filed for seeking divorce on the basis of mutual consent.

Both the parties are also in agreement that they have parted many years ago. They are also in agreement that the petitioner-appellant had filed an application under Section 12(1)(b) r/w 13(1)(ia) of the Act, for seeking divorce.

However, the same was dismissed by the learned Family Court by judgment dated 05.07.2010.

The parties are also in agreement that during the pendency of the present appeal, they have also entered into compromise. The terms and conditions of the compromise are as under:-

1) *Alimony: That the husband (petitioner/appellant herein) agreed to pay a sum of Rs.22 lakhs as permanent alimony to the respondent towards full and final settlement of all claims, out of which the respondent shall (sic) fixed deposit an amount of Rs. 5 lakhs for a period of five years and Rs. 10 lakhs for a period of ten years towards education and marriage expenses respectively in their daughter's name M. Anusree. The petitioner/appellant has paid the total amount of Rs.22 lakhs by way of demand draft Nos. (1) 978345 dated 13.06.2019 for Rs. 5 lakhs, (2) 978346 for Rs. 7 lakhs, and (3) 978357 for Rs. 10 lakhs in favour of the respondent and the respondent acknowledges the receipt of the same.*

That the husband (petitioner/appellant herein) also returned 7.5 tulas of gold and 3.6 Kgs. of silver ornaments to the respondent wife which were presented at the time of marriage, and the respondent acknowledges having received the same.

That the husband (petitioner/appellant) has also returned all the household articles to the respondent wife which were presented at the time of the marriage, and the respondent acknowledges having received the same. The petitioner/appellant and the respondent herein shall undertake that no further claims of any nature will be made against each other in future during their lifetime.

2) *Custody of the Child: That both the parties herein have mutually agreed that their daughter M. Anusree shall continue to be in the custody of the respondent wife.*

3) *Declaration: That both the parties state there are no other proceedings or cases pending before any other Hon'ble courts of law with regard to their marriage.*

According to the compromise, the respondent-wife has already received an amount of Rs. 22.00 lakhs, as permanent alimony, towards full and final settlement of all her claims against the appellant.

Considering the fact that the parties have separated their ways for decades, the statutory period prescribed under Section 13-B of the Act is hereby waived. Consequently, the marriage, dated 22.08.2004, performed between the parties, is hereby dissolved.

The Appeal is accordingly allowed. Miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

The Registry is directed to incorporate the terms of compromise in the decree and issue the same.

RAGHVENDRA SINGH CHAUHAN, CJ

Dr.SHAMEEM AKTHER, J

17th July, 2019
Pln/Tsr

THE HON'BLE THE CHIEF JUSTICE RAGHVENDRA SINGH CHAUHAN
AND
THE HON'BLE SRI JUSTICE DR. SHAMEEM AKTHER

I.A.Nos.2 & 3 OF 2019 AND F.C.A.No.300 OF 2010
(Per the Hon'ble the Chief Justice Raghvendra Singh Chauhan)



03.07.2019

Pln/tsr