

HIGH COURT FOR THE STATE OF TELANGANA

THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN

AND

THE HON'BLE SRI JUSTICE A. ABHISHEK REDDY

I.A.Nos.1, 2 and 3 of 2019

In/And

F.C.A.No.80 of 2019

05.12.2019

Between:

Pradeep Kumar Tipaji

...Appellant

and

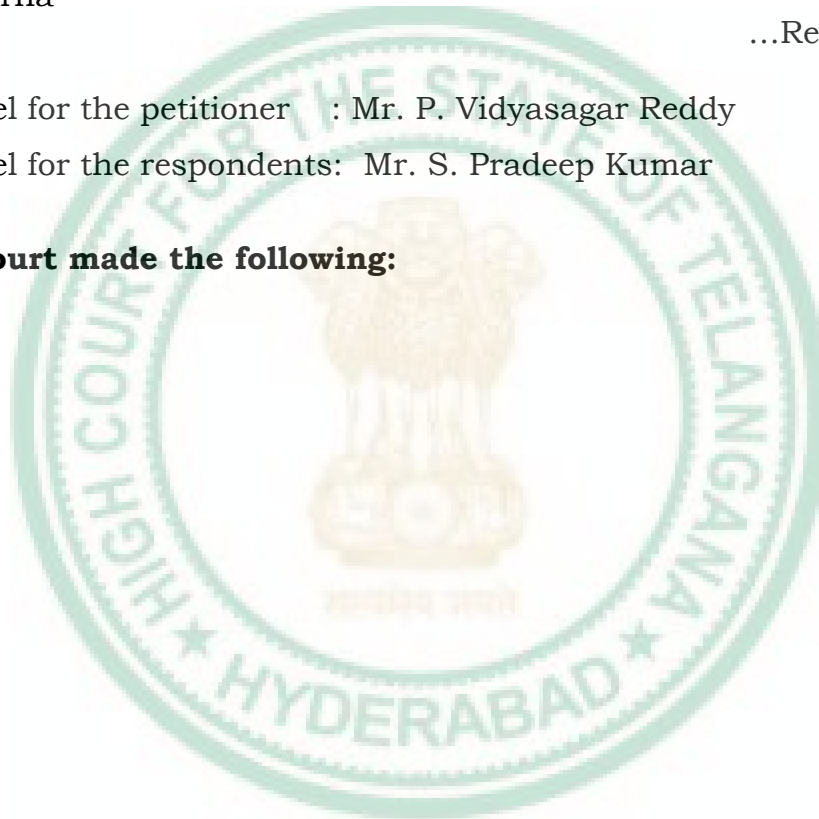
M. Aparna

...Respondent

Counsel for the petitioner : Mr. P. Vidyasagar Reddy

Counsel for the respondents: Mr. S. Pradeep Kumar

The Court made the following:



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

Both the appellant, Mr. Pradeep Kumar Tipaji, and the respondent, Smt. M. Aparna, are present before this Court. They have submitted their respective Aadhaar cards, in order to establish their identity. They have also been identified by their respective counsel.

Aggrieved by the judgment and decree dated 07.03.2019, passed by the learned Judge, Additional Family Court, Hyderabad, whereby the learned Judge had dismissed the petition, *namely* O.P.No.1599 of 2016, filed by the appellant-husband under Section 13(1)(ia) of the Hindu Marriage Act, 1955 ("the Act", for short), the appellant-husband has filed the present appeal before this Court.

During the pendency of the present appeal, both the parties have agreed to dissolve the marriage by mutual consent. Therefore, they have filed the present applications, *namely* I.A.No.1 of 2019 for dispensing with the statutory period of six months under Section 13-B of the Act, I.A.No.2 of 2019 for amendment of the appeal, and I.A.No.3 of 2019 for grant of divorce by mutual consent in terms of the memorandum of compromise annexed thereto.

The terms and conditions of the compromise reached between the parties are as under :-

- (i) *Both the Petitioner No.1/Appellant and Petitioner No.2/Respondent agreed for dissolution of their marriage dated 04-11-2011 by mutual consent and from today onwards there will be no matrimonial relationship between them and both of them are at liberty to lead their lives according to their wish.*
- (ii) *That both parties agreed that dowry harassment case before the WPS, CID Hyderabad, vide C.C.No.402/2013 on the file of Hon'ble XIII Addl. Chief Metropolitan Magistrate Hyderabad and the same is transferred to XV Addl. C.M.M. Court Hyderabad, and renumbered as C.C.No.611 of 2019 for the offences U/sec. 498-A, 406, 506 of IPC and Secs. 3 & 4 of*

- D.P.Act should be withdrawn by the Petitioner No.2 by appearing before the said court.*
- (iii) *That both parties also agreed that in view of settlement of all claims the CrI.R.C.No.204 of 2019 before the Hon'ble High Court which is filed against the orders in DVC No.362/12 on the file of Hon'ble III Metropolitan Magistrate, Hyderabad shall also be withdrawn.*
 - (iv) *That both parties also agreed that DVC No.362/12 on the file of Hon'ble III Metropolitan Magistrate, Hyderabad shall also be withdrawn by the Petitioner No.2.*
 - (v) *That the Petitioner No.1 & Petitioner No.2 agrees and undertakes that they shall not initiate any steps in civil or criminal law against each other and their family members, as the decision to terminate their marriage is voluntary.*
 - (vi) *That the petitioner No.1 agrees to pay a total amount of Rs.50,00,000/- (Rupees Fifty Lakhs Only) towards return of stridhan, permanent alimony and in full and final satisfaction of all claims arising out of their matrimonial relationship, to the Petitioner No.2. The said amount shall be paid in two instalments as follows*
 - (a) *That the Petitioner No.1 will pay a sum of Rs.25,00,000/- (Rupees Twenty Five Lakhs only) by way of demand draft bearing No.501735 dt.27.11.2019 drawn on ICICI Bank of Langarhouz Branch, in the name of the Petitioner No.2 and handover the said D.D to the Petitioner No.2 at the time of grant of decree of divorce by the Hon'ble High Court.*
 - (b) *That the Petitioner No.1 will pay the balance sum of Rs.25,00,000/- (Rupees Twenty Five Lakhs only) by way of demand draft bearing No.501736 dt.27.11.2019 drawn on ICICI Bank of Langarhouz Branch and handover the said D.D to the Petitioner No.2 at the time of withdrawing of the dowry harassment case C.C.No.611 of 2019 on the file of XV Addl. C.M.M. Court at Hyderabad, old number C.C.No.402/2013 on the file of Hon'ble XIII Addl. Chief Metropolitan Magistrate, Hyderabad.*
 - (vii) *That the Petitioners hereby withdraw the allegations and counter allegations made against the each other in the course of various deliberations leading to the decision to end the marriage relationship.*
 - (viii) *That the Petitioners agreed that they have settled all their claims in respect of gold, clothes, articles and Streedhana of the Petitioner No.2 and they have no claims against each other in*

future and the Petitioner No.2 should co-operate in withdrawing the seizure orders of locker of mother of Petitioners No.1 passed by Hon'ble XIII Addl. Chief Metropolitan Magistrate Hyderabad and the Petitioner No.1 can take back the entire contents of the locker and Petitioner No.2 has no claims over the same.

- (ix) Both the Petitioners agree that they shall not have any claim of whatsoever nature including maintenance, past, present or future against each other in future except as stated supra.*
- (x) The Petitioner No.1/Appellant (husband) and the Petitioner No.2/Respondent (wife) herein have agreed not to interfere in each others life in future and both of them withdraw all their allegations made against each other.*
- (xi) The Petitioner No.1/Appellant husband and the Petitioner No.2/Respondent wife have decided to take divorce by mutual consent with their free will and consent without any fear, coercion or undue influence and in sound mind.*
- (xii) Both the Petitioners affixed their signatures herein as acceptance of the memo of compromise.*
- (xiii) Both the parties pray that this Hon'ble Court may be pleased to record this mutual consent and dispose of the FCA No.80 of 2019 by granting mutual divorce by dissolving the marriage dated 04-11-2011 held at N.K.N.R. Garden, Kukatpally, Hyderabad in the interest of justice.*

Considering the fact that the parties have left the company of each other since January, 2012, considering the fact that there is no possibility of reconciliation between them, the statutory period for granting the divorce by mutual consent is, hereby, dispensed with. I.A.No.1 of 2019 is, accordingly, allowed.

Considering the fact that the parties have entered into a compromise as mentioned hereinabove, considering the fact that the parties have, indeed, agreed for divorce by mutual consent, under Section 13-B of the Act, their marriage performed on 04.11.2011 is, hereby, dissolved.

I.A.No.3 of 2019 is, hereby, allowed. The memorandum of compromise annexed thereto shall be taken on record. The appeal is, accordingly, allowed in terms of the memorandum of compromise.

Consequently, I.A.No.2 of 2019, filed by the appellant for amendment of the appeal, stands disposed of. The Registry is directed to draft the decree in accordance with the terms reached between the parties. There shall be no order as to costs.

The miscellaneous petitions pending, if any, shall stand closed.

RAGHVENDRA SINGH CHAUHAN, CJ

A. ABHISHEK REDDY, J

05th December, 2019
JSU



High Court for the State of Telangana**THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN****AND****THE HON'BLE SRI JUSTICE A. ABHISHEK REDDY****I.A.Nos.1, 2 and 3 of 2019****In/And****F.C.A.No.80 of 2019****(Per the Hon'ble the Chief Justice Sri Raghvendra Singh Chauhan)****Date: 05.12.2019****JSU**