

High Court for the State of Telangana

The Hon'ble The Chief Justice Raghvendra Singh Chauhan

and

The Hon'ble Sri Justice A. Abhishek Reddy

IA. Nos. 1 to 3 of 2019 in/& F.C.A. No. 165 of 2019

Date: 16-10-2019

Between:

Kollu Sethu Madhav

...Appellant

And

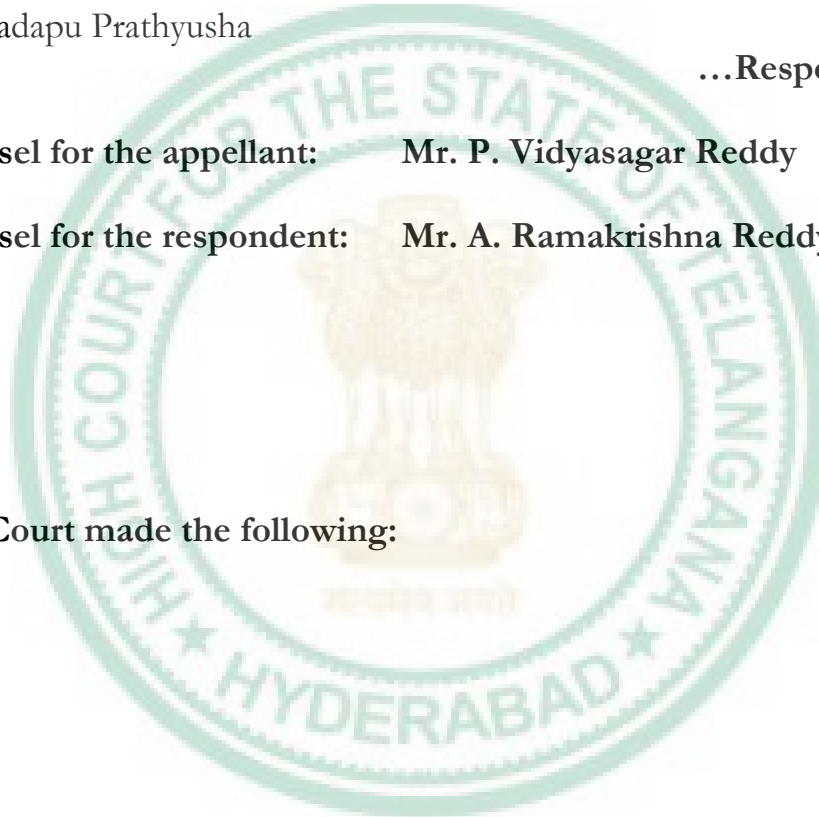
Mandadapu Prathyusha

...Respondent

Counsel for the appellant: Mr. P. Vidyasagar Reddy

Counsel for the respondent: Mr. A. Ramakrishna Reddy

The Court made the following:



Common Judgment: (per Hon'ble The Chief Justice Raghvendra Singh Chauhan)

Mr. Kollu Sethu Madhav, the appellant, and Mrs. Mandadapu Prathyusha, the respondent, are present before this Court. They have submitted their respective Aadhar Cards in order to establish their identity. They have also been identified by their respective counsel.

The appellant-husband has challenged the legality of the common judgment dated 31-07-2019, in FCOP. No. 1370 of 2016, passed by the XVI Additional District Judge – cum- III Additional Family Judge, Ranga Reddy District at Malkajgiri, whereby the learned Family Judge had dismissed the said petition for divorce filed by him, and allowed another petition, *namely* FCOP. No. 258 of 2017, filed by the respondent –wife for restitution of conjugal rights.

Aggrieved by the said common judgment, the appellant-husband has filed the present appeal, and another appeal, *namely* FCA. No. 166 of 2019 before this Court. During the pendency of the appeals, the parties have entered into a compromise, and have agreed to seek divorce on the basis of the mutual consent under Section 13-B of the Hindu

Marriage Act, 1955 (for short 'the act'). Therefore, they have filed IA. No. 1 of 2019 for dispensing with the statutory period of six months as prescribed by Section 13-B of the Act, and IA. No. 3 of 2019 for grant of divorce by mutual consent in terms of the memorandum of compromise annexed thereto. The terms of compromise read as under:

- i. Both the Petitioner No.1/ Appellant and Petitioner No.2/Respondent agreed to divorce for dissolution of their marriage dated 24-02-2016, 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. The Petitioner No.1/ Appellant (husband) and the Petitioner No.2/ Respondent (wife) herein have agreed not to initiate any legal proceedings against each other in any court of law including civil and criminal courts. Both the Petitioner No.1/Appellant and Petitioner No.2/Respondent withdraw all their allegations against each other.
- iii. The Petitioner No.1/Appellant (husband) had agreed to pay Rs.35,00,000/- (Rupees Thirty-Five Lakhs Only) to the Petitioner No.2/ Respondent (wife) towards permanent alimony to her and paid the same through pay order Nos. 353208, 353209, 353210 and 353211, all dated – 26-09-2019 drawn on Andhra Bank.
- iv. From this day onwards the Petitioner No.1/Appellant (husband) and the Petitioner No.2/Respondent (wife) herein are at liberty to live independently and they have no right whatsoever to interfere with the life of other.
- v. The Petitioner No.1/Appellant (husband) and the Petitioner No.2/Respondetn (wife) relinquishes all their rights

including the maintenance or any claim over movable and immovable properties of each other.

vi. 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.

vii. It is mutually agreed that both the Petitioners will destroy all the Photographs and CDs relating to their marriage, any material used by Petitioner No.1/Appellant husband in the court and indemnify each other that they shall not be retrieved or used to defame/misuse against one another.

viii. Both the Petitioner No.1/Appellant and the Petitioner No.2/Respondent have liberty to live according to their will and wishes. Both the Petitioners should not interfere in each other private affairs or life and no one should develop any enmity with each other.

ix. The Petitioner No.1/Appellant husband and the petitioner No.2/Respondent-wife should not disclose about their marital life with their friends or relatives.

x. The Petitioner No.1/Appellant (husband) and the Petitioner No.2/Respondent (wife) have settled all their disputes voluntarily and fully and finally against each other.

xi. The Petitioner No.1/Appellant husband and the Petitioner No.2/Respondent wife have agreed not to claim from each other pertaining to any clothes etc.,

xii. Both the Petitioners affixed their signatures herein as acceptance of the memo of compromise.”

Considering the fact that the parties have been separated for many years, the statutory period for granting

the divorce by mutual consent is, hereby, dispensed with.

IA. 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 agreed for divorce by mutual consent under Section 13-B of the Act, their marriage performed on 24-02-2016 is, hereby, dissolved.

IA. 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.

As a sequel, IA. No. 2 of 2019, filed by the appellant for amendment of the appeal, stands disposed of.

Registry is directed to draft the decree in terms of the compromise mentioned hereinbefore.

(Raghvendra Singh Chauhan, CJ)

(A. Abhishek Reddy, J)

Dt: 16th October, 2019
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