

**THE HON'BLE SRI JUSTICE RAGHVENDRA SINGH CHAUHAN
AND
THE HON'BLE SRI JUSTICE T. AMARNATH GOUD**

F.C.A. NO.97 OF 2006

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

The appellant, Smt. Chitti Sarada Devi, is present before this Court. She has submitted her Aadhar Card. In order to prove her identity, she has also been identified by her counsel Mr. C.A.R. Seshagiri Rao. Mr. Chitti Jaya Narasimha Sarma, the respondent is also present before this Court. He has submitted his Aadhaar card in order to prove his identify. He has also been identified by his learned counsel Mr. P. Nagendra Reddy.

Both the parties are *ad idem* that they were married on 01.09.1983 at Vijayawada according to the Hindu rites and customs. Due to the differences that arose between the parties, they parted their ways. Subsequently, the respondent-husband filed a suit for seeking divorce, namely O.P. No.105 of 2002. By judgment and decree dated 06.02.2006, the learned Family Court, Warangal granted the decree of divorce in favour of the respondent-husband. Since the appellant-wife was aggrieved by the said judgment and decree, she has filed the present appeal before this Court as FCA No.97 of 2006.

Both the parties are also *ad idem* that during the pendency of the present appeal, despite the grant of divorce in favour of the respondent-husband, the parties have settled their dispute, and have started cohabiting under the same roof. They have taken a

decision to continue their marital relationship for the sake of the daughter. Therefore, both the parties have filed an application under Order XXIII Rule 3 CPC for permitting the respondent-husband to withdraw the original suit, namely O.P. NO.105 of 2002, on the file of the Family Court, Warangal, and to declare the judgment and decree dated 06.02.2006 as *non-est* and to declare the present appeal as having become infructuous.

Considering the fact, both the parties have settled their marital problems, considering the fact, both the parties have reunited, and are living as husband and wife, for the last many years, the respondent-husband is permitted to withdraw the suit, namely O.P. NO.105 of 2002 . Therefore, the judgment and decree dated 06.02.2006 has become *non-est*. Hence, the present appeal has become infructuous. Ordered accordingly.

RAGHVENDRA SINGH CHAUHAN, J

T. AMARNATH GOUD, J

Date: 13.02.2019

MRKR