

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

I.A. Nos. 1 & 2 of 2019

IN/ AND

F.C.A. No. 446 of 2018

Date: 15.11.2019

Between:

P. Sachin Kumar

...Appellant

And

P. Santoshini

...Respondent

Counsel for the appellant: Mr. M.A.K. Mukheed

Counsel for the respondent: Mr. M.M. Goud

The Court made the following:



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

Mr. P. Sachin Kumar, the appellant, and Mrs. P. Santoshini, 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 26.06.2018, in F.C.O.P.No.314 of 2016, passed by the Judge, Family Court at Secunderabad, whereby the learned Judge had dismissed the said petition for dissolution of marriage filed by him, and allowed another petition, *namely* F.C.O.P.No.727 of 2015, 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* F.C.A.No.444 of 2018 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 I.A.No.1 of 2019 for grant of divorce by mutual consent, and I.A.No.2 of 2019 for dispensing with the statutory period of six months as prescribed by Section 13-B of the Act.

The Memorandum of Compromise, dated 25.08.2019, has been submitted before this Court along with I.A.No.1 of 2019. The terms of the said Memorandum of Compromise read as under:

1. *The first and the second parties have decided to separate as there is no chance of reunion or reconciliation between them, and decided to take Mutual consent Divorce before the Hon'ble HIGH COURT AT HYDERABAD FOR THE STATE OF TELANGANA.*
2. *Whereas, the First Party agreed to pay the total compensation of Rs.10,000,00/- (TEN LAKHS ONLY) towards permanent alimony including maintenance and other expenses to Second Party and Whereas, the SECOND PARTY as agreed and accepted the same towards the Full and Final Settlement and both parties further agreed that they will not further claim or claims against each other in the future either in movable or immovable of properties.*
3. *The SECOND PARTY agreed to receive the compensation amount in three instalments as follows:*
 - a. *The First Party agreed to pay an amount of Rs.4,000,00/- (FOUR LAKHS ONLY) to SECOND PARTY vide D.D. Amount: Rs.4,000,00/-, D.D.No.110426, Dated 24.06.2019, on City Bank, Begumpet Branch, Hyderabad, before Lok Adalat and agreed to cooperate for filing the Mutual Divorce Petition & Joint Memo before High Court of Telangana, Hyderabad.*
 - b. *The First Party agreed to pay an amount of Rs.3,000,00/- (THREE LAKHS ONLY) vide D.D. Amount : Rs.3,000,00/- D.D.No.110425 Dated 24.06.2019 on Citi Bank, Begumpet Branch, Hyderabad, at the time of filing the compromise/withdraw the DVC No.21 of 2016 on the file of Honourable IV M.M. Court at Nampally, Hyderabad by SECOND PARTY, before the Honourable Judge.*
 - c. *The First Party agreed to pay an amount of Rs.3,000,00/- (THREE LAKHS ONLY) vide D.D. Amount : Rs.3,000,00/-, D.D.No.110424 Dated 24.06.2019 on Citi Bank, Begumpet Branch Hyderabad at the time of compromise/withdraw 498-A.*
 - d. *i.e., C.C.No.480 of 2015, on the file of Honourable XV Additional Chief MM Court at Nampally, Hyderabad by SECOND PARTY before the Honourable Judge.*
4. *The both parties agreed to lead their independent life by getting their marriages with third parties. So neither of the party has any right over the marital life of each party in future & their properties.*
5. *Both the Parties agreed to exchange the D.D i.e. vide D.D.Amount : Rs.4,000,00/-, D.D.No.110426, Dated 24.06.2019, on Citi Bank, Begumpet Branch, Hyderabad, gold articles before the Lok Adalat of Honourable High Court at the time of granting the mutual consent divorce and also House hold article in the evening on the same day.*

6. *The FIRST PARTY & SECOND PARTY agreed to withdraw all the appeals which are filed by him before the Honourable High Court any other courts.*
7. *The both parties agreed not to interfere with each other personal life, property, family relations, social network etc. and also by their family members legal heirs administrators etc.*

Considering the fact that the parties have been living separately for the last four years, the statutory period for granting the divorce by mutual consent is, hereby, dispensed with. I.A.No.2 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 08.06.2014 is, hereby, dissolved.

I.A.No.1 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, the pending Miscellaneous Petitions, if any, shall stand closed.

The Registry is directed to draw up the decree in terms of the compromise mentioned hereinbefore.

(RAGHVENDRA SINGH CHAUHAN, CJ)

(A. ABHI SHEK REDDY, J)

Dt: 15.11.2019
va