

High Court for the State of Telangana

THE HON'BLE SRI JUSTICE RAGHVENDRA SINGH CHAUHAN

AND

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

F.C.A.No.326 of 2017

&

I.A.No.1 of 2019 in/and F.C.A.No.342 of 2017

Date: 02.04.2019

Between:

A. Lalitha Radha Madhuri

...Appellant

and

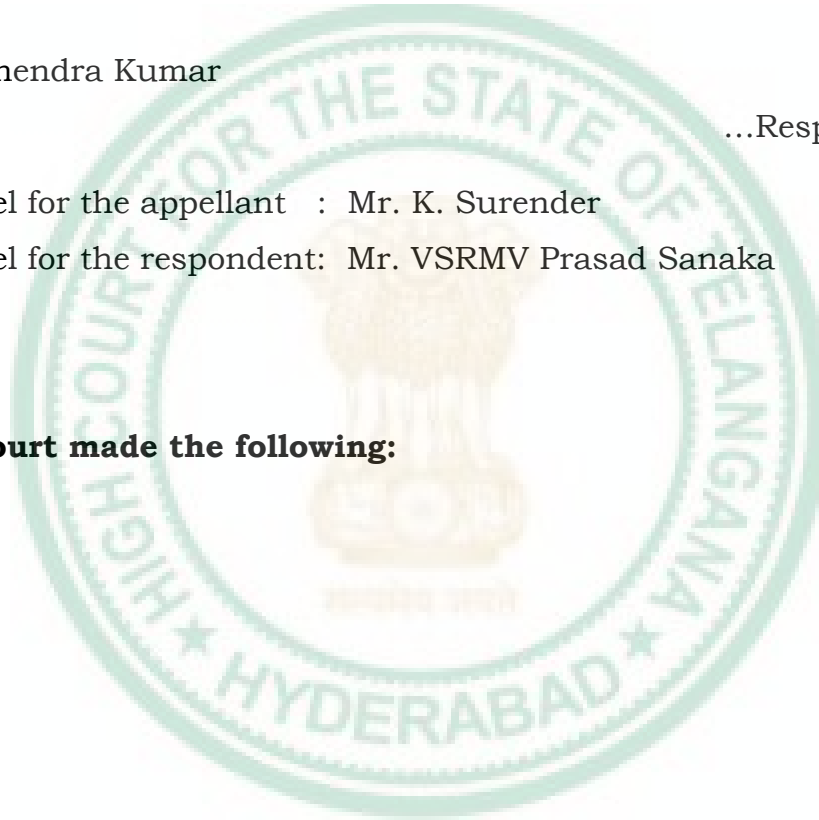
A. Phanendra Kumar

...Respondent

Counsel for the appellant : Mr. K. Surender

Counsel for the respondent: Mr. VSRMV Prasad Sanaka

The Court made the following:



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

Both these appeals, namely F.C.A.No.326 of 2017 and F.C.A.No.342 of 2017, arise out of the same impugned judgment and decree, dated 14.06.2017, passed by the learned Additional Family Court, Hyderabad, whereby the learned Additional Family Court, while dismissing the divorce petition, namely O.P.No.927 of 2013, filed by the appellant-wife under Section 13(1)(ia) of the Hindu Marriage Act, 1955 ("the Act" for short), has allowed the petition, namely O.P.No.354 of 2014, filed by the respondent-husband under Section 9 of the Act. Through the former appeal, the appellant-wife has challenged the order of dismissal of the divorce petition. Through the latter appeal, she has challenged the grant of decree of restitution of conjugal rights in favour of the respondent-husband. Since both these appeals arise out of the same impugned judgment and decree, they are being decided by this common order.

Both Ms. A. Lalitha Radha Madhuri, the appellant-wife, and Mr. A. Phanendra Kumar, the respondent-husband, are present before this Court. The appellant-wife has submitted her Driving Licence in order to establish her identity. On the other hand, the respondent-husband has submitted his PAN Card in order to prove his identity. They have also been identified by their respective learned counsel.

Both the parties, who are present before this Court, are *ad idem* that they have entered into a compromise for settling the dispute once and for all. Moreover, they have filed a petition, under Section 13-B of the Act, namely I.A.No.1 of 2019 in

F.C.A.No.342 of 2017. Therefore, both the parties seek a decree of divorce on the basis of mutual consent.

The terms of the compromise are as under:

- (a) *Live separately by requesting the Hon'ble High Court to (i) grant decree of divorce and (ii) dismiss the direction of resumption of married life in the conjugal rights petition, by filing appropriate compromise petitions and appearing before the High Court seeking grant of divorce in F.C.A.No.326 of 2017 and dismiss the direction of restitution of conjugal rights appealed vide F.C.A.No.342 of 2017.*
- (b) *Both of us shall appear before the High court seeking quashing of Crime No.307 of 2013 by filing compounding and compromise petitions.*
- (c) *Petitioner/ Wife shall under no circumstances seek any monetary compensation towards maintenance or permanent alimony for which we agree.*
- (d) *Both of us will not in any manner interfere with the lives of one another and will not file civil or criminal cases against one another.*

The compromise shall be taken on record.

Since both the parties have parted their ways five and half years ago, the statutory requirement of separation of six months is hereby dispensed with. For, both the parties are *ad idem* that they wish to divorce each other on the basis of mutual consent.

Since the petition under Section 13-B of the Act, namely I.A.No.1 of 2019 in F.C.A.No.342 of 2017, has been filed, the same is hereby allowed. Hence, the marriage entered between the parties on 16.06.2011 is hereby dissolved. The Registry is directed to draw up the decree in terms of the compromise entered between the parties and in terms of the present order.

Consequently, both the appeals stand disposed of. There shall be no order as to costs.

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

(RAGHVENDRA SINGH CHAUHAN, J)

(T. AMARNATH GOUD, J)

02nd April, 2019
JSU



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