

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 and 3 of 2019
IN/ AND
F.C.A. No.431 of 2018

Date: 14.10.2019

BETWEEN

Nampally Surrender.

...APPELLANT

AND

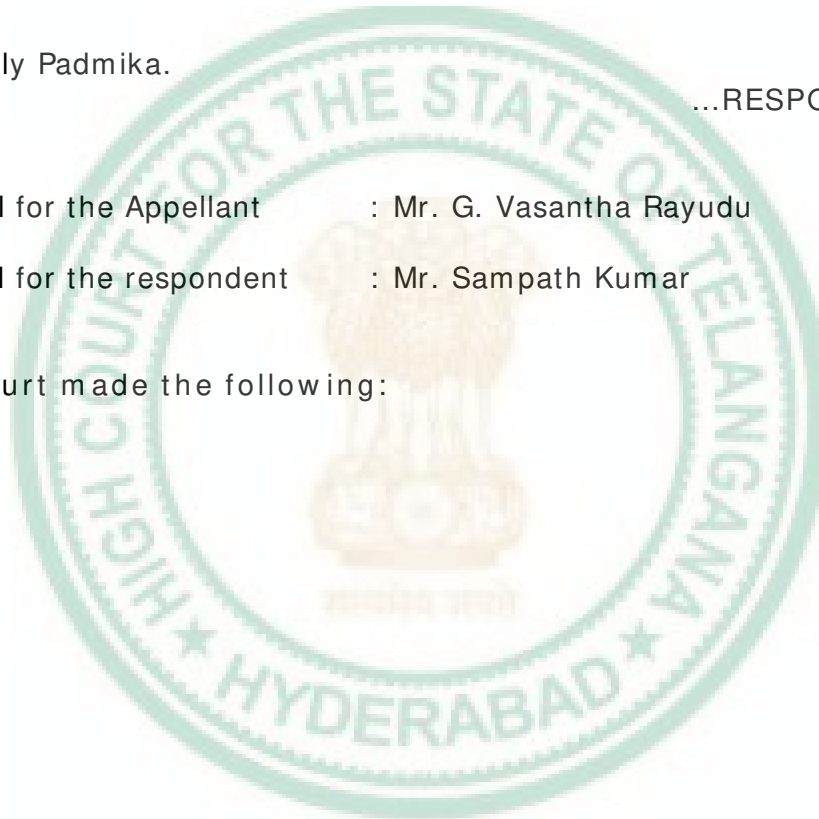
Nampally Padmika.

...RESPONDENT

Counsel for the Appellant : Mr. G. Vasantha Rayudu

Counsel for the respondent : Mr. Sampath Kumar

The Court made the following:



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

The appellant, Mr. Nampally Sudhakar, and the respondent, Mrs. Nampally Padmika, are present before this Court. Both of them have submitted their Aadhar Cards in order to establish their identity. They have also been identified by their respective counsel.

2. Both the parties are *ad idem* that they were married on 29.10.2011 according to the Hindu rites and customs. However, during their marriage certain differences arose between them. Therefore, they find it difficult to live as husband and wife. Despite the fact that the appellant, Mr. Nampally Sudhakar, had filed a divorce petition, namely, FCOP.No.1473 of 2015 before the Family Court, Ranga Reddy District, the same was dismissed by the learned Family Court. Therefore, he has filed the present appeal before this Court.

3. During the pendency of the present appeal, both parties have entered into a compromise, and they agreed to divorce each other on the basis of mutual consent. A copy of the memo of compromise has been submitted before this Court by I.A.No.2 of 2019. The same shall be taken on record.

The terms and conditions of the compromise are as under:

1. That N. Surrender agreed to pay to Smt. N. Padmika a total amount of Rs.30,00,000/- towards full and final settlement of all claims, disputes with N. Surrender and his family, and it is further agreed that N. Padmika, shall not claim any rights or disputes relating to the family affairs, earnings, incomes and properties of N. Surrender and his parents. In turn N. Padmika shall have custody of Sriman @ Purvik and Surrender shall not claim any rights even after he attains majority.
2. The amount of Rs.30,00,000/- is towards maintenance of Sriman as well as towards permanent alimony to Smt. N. Padmika out of which an amount of Rs.15,00,000/- shall be taken in fixed deposit till Sriman @ Purvik attains majority and he shall be entitled for the said amount of

Rs.15,00,000/- . However, the periodic interest can be taken by Padmika for the purpose of needs of Sriman @ Purvik. Smt. N. Padmika shall be entitled to receive Rs.15,00,000/- from N. Suredner, at the time of granting decree of divorce, by the Hon'ble High Court, vide D.D.No.199553 dated 01.08.2019 drawn on State Bank of India, Balajinagar Branch amount of Rs.15,00,000/-.

3. That N. Surender shall deposit Rs.15,00,000/- in long term fixed deposit in the name of Sriman @ Purvik, naming N. Padmika as nominee and she has no right on the fixed deposit either to cancel or to take any loan on the same. The original FDR shall be handed over to N. Padmika before Court while recording compromise.
4. That the parties hereto shall not interfere or cause annoyance in each other's private lives after obtaining decree of divorce and each party is entitled to lead their own lives, as per their wishes.
5. That the parties hereto shall cooperate to each other for obtaining decree of divorce as per the mutual consent and for implementing the mutually agreed terms and conditions.

4. The parties have also submitted an application, namely, I.A.No.3 of 2019 under Section 13-B of the Hindu Marriage Act, 1955, for seeking divorce on the basis of mutual consent. They have also filed an application, namely, I.A.No.1 of 2019 for dispensing with the statutory period required under Section 13-B of the Act. For the reasons stated in the affidavit, the statutory period of six months is, hereby, dispensed with.

5. Considering the fact that the parties have settled their disputes, and are seeking divorce by mutual consent on the application, the application filed under Section 13-B of the Act is hereby allowed. Their marriage performed on 29.10.2011 shall stand dissolved henceforth.

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

Accordingly, I.A.Nos.1, 2 and 3 of 2019 are allowed, and the appeal stands disposed of. There shall be no order as to costs.

RAGHVENDRA SINGH CHAUHAN, CJ

A. ABHISHEK REDDY, J

October 14, 2019
DSK

