THE HON'BLE THE CHIEF JUSTICE RAGHVENDRA SINGH CHAUHAN

AND

THE HON'BLE SRI JUSTICE A.ABHISHEK REDDY

I.A.Nos. 2, 3 AND 4 OF 2019 AND F.C.A.No.16 OF 2009
AND
I.A.No. 2 OF 2019 AND F.C.A.No.345 OF 2013

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

Aggrieved by Judgment and Decree, dated 12.11.2008, passed by the Judge, Family Court, Ranga Reddy District at L.B. Nagar, Hyderabad, whereby the learned Family Court has dismissed the divorce petition filed by the appellant, the appellant has approached this Court by filing F.C.A.No.16 of 2009.

Aggrieved by Order, dated 04.10.2012, passed by the Judge, Additional Family Court, Ranga Reddy District at L.B. Nagar, Hyderabad, whereby the learned Family Court has dismissed the petition filed by the appellant under Section 6 of the Hindu Marriage and Guardianship Act, seeking for custody of the child, the appellant has approached this Court, by filing F.C.A.No.345 of 2013.

However, during the pendency of the present appeals, both the parties have entered into a compromise. The terms of the compromise have been submitted by the parties through I.A. No. 2 of 2019, in both the Appeals.

Both the appellant, Mr. K. Naresh Kumar, and the respondent, Smt. K. Gowri Laxmi, 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.

Both the parties are *ad idem* that they would like to divorce each other on the basis of mutual consent. They are also *ad idem* that they have entered into a compromise. A copy of the compromise has been submitted along with I.A.No.2 of 2019, in both the Appeals. The same shall be taken on record.

The terms and conditions of the compromise are as under:-

A) *That both the parties agreed that the marriage may be dissolved and a Decree of Divorce be granted in view of the terms of compromise.*

B) *That the Petitioner agreed to pay an amount of Rs.6,00,000/- (Rupees Six Lakhs only) to the Respondent and to the child by name K. Siva towards permanent alimony and final settlement of the disputes between us.*

C) *That the Petitioner undertakes to pay an amount of Rs.3,00,000/- (Rupees Three Lakhs only) to the Respondent on the date of granting divorce by the Hon'ble High Court of Judicature of Telangana in FCA No. 16 of 2009 and the Respondent agrees for the same. Accordingly, DD No. 338849 dated 16.09.2019 drawn on UCO Bank for an amount of Rs.3,00,000/- (Rupees Three Lakhs only).*

D) *That the Petitioner undertakes to pay remaining balance amount of Rs.3,00,000/- (Rupees Three Lakhs only) to the Respondent on the date of compromise in DVC Appeal bearing No. 157 of 2019 filed by me which is pending before Hon'ble IX Additional Metropolitan Sessions Judge, Hyderabad and on such compromise by the Respondent, the petitioner agreed to pay an amount of Rs.3,00,000/-. Accordingly, DD No. 338850 dated 16.09.2019 drawn on UCO Bank for an amount of Rs.3,00,000/- (Rupees Three Lakhs only).*

E) That the Petitioner undertakes to withdraw all the Appeals and Criminal Revision Case for maintenance filed by me before the Hon'ble High Court at Hyderabad and the Respondent undertakes to cooperate in disposal of the Appeals.

F) That the Petitioner and Respondent undertake not to file any civil or criminal cases against each other in future for maintenance or for any other matrimonial claims.

G) That the Respondent undertakes not to claim any maintenance for herself and for her child and also not to claim any other claims/rights over the properties of the Petitioner for herself and also for the child by name K. Siva in future.

H) That the Respondent undertakes to look after the welfare of the child namely K. Shiva as such the said Master K. Shiva shall be in the custody of the Respondent.

I) Both the parties or their relatives will not blame each other before any relatives and they will not interfere in each other lives.

Smt K. Gowri Laxmi admits that she has received the amount mentioned in the terms of compromise from the appellant.

The parties have also filed an application under Section 13-B of the Hindu Marriage Act, through I.A.No.3 of 2019, in F.C.A.No. 16 of 2009, and have sought the relief to dispense with the statutory period of six months as required under Section 13-B of the Act, through I.A.No.4 of 2019, in F.C.A. No. 16 of 2009.

Considering the fact that the parties have separated about fifteen years back, considering the fact that there is no possibility of reconciliation between the parties, the statutory period of six months is, hereby, dispensed with.

Therefore, the marriage, dated 14.05.2003, performed between the parties, is dissolved under Section 13-B of the Act.

The Appeals are accordingly allowed. Miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

The Registry is directed to incorporate the Terms of Compromise in the decree and issue the same.

RAGHVENDRA SINGH CHAUHAN, CJ

A.ABHISHEK REDDY , J

13.12.2019
Pln/Tsr