

HIGH COURT FOR THE STATE OF TELANGANA

**THE HON'BLE THE ACTING CHIEF JUSTICE
RAGHVENDRA SINGH CHAUHAN
AND**

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

I.A.Nos.1 and 2 of 2019

IN/AND

F.C.A.No.418 of 2017

Date: 26.04.2019

Between:

Sai Sai Bhushan Kappa

...Appellant

and

Sowmya Kappa

...Respondent

Counsel for the appellant: Mr. A.M. Rao

**Counsel for the respondent: Mrs. Sowmya Kappa
(party-in-person)**

The Court made the following:

Common Judgment: *(per the Hon'ble the Acting Chief Justice Raghvendra Singh Chauhan)*

Both the appellant, Mr. Sai Sasi Bhushan Kappa, and the respondent, Mrs. Sowmya Kappa, are present before this Court. While the appellant has submitted his passport in order to establish his identity, the respondent has submitted her Aadhar card to prove her identity. Both the parties are *ad idem* that they have entered into a compromise.

The appellant has challenged the legality of the order and decree dated 31.03.2017, passed by the IV Additional District Judge-cum-I Additional Family Judge, Ranga Reddy District, in F.C.O.P.No.1092 of 2010, whereby the learned Judge has dismissed the divorce petition filed by the appellant.

However, during the pendency of the present appeal, the parties have entered into a compromise. The terms of the said compromise read as under:

"1) That both the parties are willing to take divorce in FCA No.418 of 2017.

2) That the Petitioner/Appellant herein agreed to pay an amount of Rs.23,40,000/- (Rupees Twenty Three Lakhs and Forty Thousand only) towards permanent alimony or maintenance as full and final settlement amount, in favour of Respondent/Respondent herein by way of DD, vide DD No.006385, drawn on AXIS BANK LTD., Nallakunta Branch, Hyderabad, dated 09.04.2019.

3) That by above full and final settlement, the Respondent/Respondent herein undertakes to withdraw all the cases filed by her against the Petitioner/Appellant herein and also undertakes that she did not claim any maintenance or any alimony from the Petitioner/Appellant herein, did not file any case against the Petitioner/Appellant herein in future.

4) That the Petitioner/Appellant herein undertakes that, he did not file/claim against the Respondent/Respondent herein in future in any way.

5) And both the parties undertake that they will not interfere in each other personal life from today and both are free

to live on their will and wish without interference from each other.”

The compromise deed shall be taken on record.

The respondent informs this Court that she has entered into the compromise deed with the appellant. She further informs this Court that she has already received a Demand Draft for Rs.23,40,000/- (Rupees Twenty-three Lakhs forty-thousand only) towards her permanent alimony, and as full and final settlement of the amount.

The parties have also filed an application under Section 13-B of the Hindu Marriage Act, 1955, for seeking divorce on the basis of mutual consent.

Since the parties have been living separately for the last eight years, the statutory period of six months is, hereby, dispensed with.

Therefore, the marriage solemnized between the appellant and the respondent on 25.11.2007 is, hereby, dissolved.

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

Accordingly, I.A.Nos.1 and 2 of 2019 are allowed, and this appeal stands disposed of.

(RAGHVENDRA SINGH CHAUHAN, ACJ)

(A.RAJASHEKER REDDY, J)

Date: 26.04.2019
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