

HIGH COURT FOR THE STATE OF TELANGANA

THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN

AND

THE HON'BLE SRI JUSTICE A. ABHISHEK REDDY

I.A. Nos. 1, 2 & 3 of 2020

IN/AND

F.C.A. No. 273 of 2015

Date: 09.01.2020

Between:

Appasani Sreelakshmi @ Korakuntla Sreelakshmi

...Appellant

And

Appasani Sandeep @ Nanu

...Respondent

Counsel for the appellant: Mr. Pradeep Kumar. S

Counsel for the respondent: Mrs. Deepika Gadde

The Court made the following:

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

Mrs. Appasani Srilakshmi @ Korlakuntla Srilakshmi, the appellant, and Mr. Appasani Sandeep @ Nanu, the respondent, are present before this Court. Both of them have submitted their Aadhar Cards in order to establish their respective identities. They have also been identified by their respective counsel.

The appellant-wife has challenged the legality of the judgment and decree dated 03.09.2015, passed by the Additional Metropolitan Sessions Judge for the Trial of Jubilee Hills Car Bomb Blast Case-cum-Additional Family Court, Hyderabad, in H.M.O.P.No.1245 of 2014, whereby the learned Judge had granted the divorce in favour of the respondent-husband.

During the pendency of the present appeal, 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'). The terms of compromise have been submitted before this Court through I.A.No.2 of 2020. The same shall be taken on record. The terms of the said compromise are as under:

- "1. It is agreed by the petitioner No.1 and respondent to file a compromise petition for obtaining mutual consent divorce, in FCA No.273/2015 on the file of Hon'ble High Court, Hyderabad or by filing mutual consent divorce petition as per the terms of the family settlement and also have agreed to withdraw all the*

cases against to each other pending in any court of law.

- 2. It is agreed by the respondent that he is ready to transfer two House Plot Nos.105 & 106 admeasuring 175 Sq. yards each in Survey No.142/1 situated at Ibrahimpatnam Village, Krishna District, A.P., in all towards full and final settlement and permanent alimony of petitioner, for which the petitioner no.1 agreed to receive the same and also agreed to cooperate and sign on the compromise petitions and same shall be filed before the Hon'ble High Court. Further the petitioner no.1 herein agreed to withdraw or close all the cases against respondent and his family members in any court of law, and the plots will be registered in favour of petitioner no.1 by the attested/special power of attorney holder Sri S.V. Sudhakar Rao Garu, after closing of all cases before any court of law.*
- 3. Further petitioner no.1 and respondent agreed to file joint affidavits in the FCA No.273/2015 or if any necessary applications in FCA and other pending cases, afresh, along with the copy of MOU signed by petitioner no.1 and respondent herein.*
- 4. The gold and jewelry and all other belongings pertaining to petitioner no.1 were already taken by her and the respondent is not having the custody of any belongings of petitioner no.1. Likewise, the petitioner no.1 has returned the belongings pertaining to respondent.*
- 5. It is hereby agreed that, the petitioner no.1 shall not claim any maintenance or permanent alimony whatsoever in future against respondent or his family members either on the movable or immovable properties. The aforesaid plots in all are being transferred towards full and final settlement and permanent alimony of the petitioner no.1.*

6. *The petitioner no.1 and respondent herein have agreed to cooperate with each other and shall not create any hurdles to each other in affecting the compromise terms.*
7. *Both the parties herein declare that all the adverse allegations leveled against each other are deemed to have been withdrawn in view of present compromise.*
8. *The petitioner no.1 and respondent agreed that both of them shall not interfere with the day to day affairs of each other and both of them shall lead their independent lives in future without creating disturbance to each other with common understanding for a peaceful future living as per the advice of elders.*
9. *The petitioner no.1 and respondent agreed and undertake that they will not viral/disclose to the personal life of the both party's i.e., photos/videos/anything hereinafter future. If so do, the effected party will take criminal action in the court of law against the other party.*
10. *Both the parties hereby confirm that there are no other claims whatsoever against each other pertaining to personal belongings, articles, clothes, jewelry and gold etc.*

The parties have also filed I.A.No.1 of 2020 for dispensing with the statutory period of six months as prescribed by Section 13-B of the Act. They have also filed an application under Section 13-B of the Act in the form of I.A.No.3 of 2020, and sought divorce on the basis of mutual consent.

Considering the fact the parties have parted their ways over years, considering the fact that there is no possibility of reconciliation between the parties, the statutory period of six months is, hereby, dispensed with.

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 15.08.2013 is, hereby, dissolved.

Accordingly, I.A.Nos.1, 2 and 3 of 2020 are allowed, and the appeal stands disposed of.

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. ABHISHEK REDDY, J)

Dt: 09.01.2020
va