

**THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN
AND
THE HON'BLE SRI JUSTICE B.VIJAYSEN REDDY**

**I.A.Nos.1, 2 and 3 in F.C.A. No.49 OF 2015
And
F.C.A. No.49 of 2015**

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

Both Mr. Perumandla Kishore, the appellant - husband, and Ms. Virlapally Sampoorna Lakshmi @ Padmavathi, the respondent – wife, are present before this Court through video-conference. They have shown their respective Aadhar cards to this Court in order to establish their identity. They have also been identified by their respective counsel.

The learned counsel for the appellant submits that he has filed I.A.No.1 of 2020 for bringing the compromise entered between the parties on record. The said I.A. shall be taken on record. The terms of the compromise are as under:-

1. Whereas, the First party and No.1 amongst the Second party are the legally wedded husband and wife having married on 25.05.2003 at Secunderabad, as per Hindu customs and rites. No.2 amongst the Second party was born to them out of their wedlock on 28.10.2004.

2. Whereas, by the time of marriage, 1st party was doing Ph.D., in Department of Neurology, MGM Hospital and Kakatiya University, Warangal and was not having regular income and he was on 'Research Fellowship' granted by University Grants Commission, Government of India.

3. Whereas, ever since their marriage, there are disputes between the parties in view of the incompatibility between them. No.1 amongst the Second party left to her parents' house at Bowenpally, Secunderabad on 01.04.2004 after a quarrel with First party. During her stay at her parents, she delivered a female child, No.2 amongst Second party. After the delivery, she did not join the First party due to the differences between the First party and her daughter i.e., No.2 amongst the Second party are living with her parents. All the mediations proved to be futile and since then they are living separately.

4. Whereas, the Second party filed M.C.No.85 of 2005 before the Family Court, Secunderabad, and the Family Court granted Rs.1,500/- to each of the petitioners totaling Rs.3,000/- vide order dated 14.09.2012. Aggrieved by the said order, the Second party preferred CrI.R.C.No.481 of 2014 before the Hon'ble High Court of Telangana at Hyderabad and the same is pending.

5. Whereas, the No.1 amongst the Second party filed C.C.No.473 of 2005 before the XV ACMM, under Section 498-A of IPC against the First party, his parents and sisters. The sisters of the First party were acquitted and the First party was convicted with imprisonment for 3 years and his parents with one year. Against which CrI.A.No.1123 of 2012 was preferred by the First party and his parents on the file of the II Additional Metropolitan Sessions Judge, Nampally, Hyderabad, and in the Appeal the conviction was confirmed and aggrieved by the same, CrI.R.C. No.3032 of 2015 was filed before the Hon'ble High Court of Telangana at Hyderabad and the same is pending.

6. Whereas, the First party filed O.P.No.281 of 2011 before the Family Court, Secunderabad, seeking divorce and the same was dismissed and against the same, F.C.A.No.49 of 2015 is filed before the Hon'ble High Court of Telangana at Hyderabad, and the same is pending.

7. Whereas, after 16 years of prolonged battles, the parties realized that the marriage is irretrievably broken down and there is no chance of reunion and decided to put an end to all the pending litigations and obtain divorce by filing a compromise petition in F.C.A.No.49 of 2015 before the Hon'ble High Court of Telangana at Hyderabad to purchase peace.

8. Whereas, the No.1 amongst the Second party had agreed that she would give consent before the Hon'ble High Court of Telangana at Hyderabad for allowing of the CrI.R.C.No.3032 of 2015 filed by the First party and his parents against CrI.A.No.1123 of 2012 on the file of the II Additional Sessions Judge, Nampally, Hyderabad, and so also for dismissal of CrI.R.C.No.481 of 2014 filed by the Second Party against M.C.No.85 of 2005 on the file of the Family Court, Secunderabad, and she also hereby agreed that she will not press the order in M.C.No.85 of 2005, dated 14.09.2012.

9. Whereas, No.1 amongst the Second party claimed that all her gold ornaments weighing 50.5 tulas are left in the house of the First party at Warangal. Though the First party and his family members did not find those ornaments in their home, as a sequel of settlement the First party agreed to pay Rs.20,00,000/- (Rupees twenty lakhs only) towards the cost of the gold said to have been left by No.1 amongst Second party in the house of the First party.

10. Whereas, it is mutually agreed between the parties that an amount of Rs.1,00,00,000/- (Rupees One crore) is to be paid by the First party towards permanent alimony to the Nos.1 and 2 of Second party as full and final settlement of the claim. An amount of Rs.20,00,000/- (Rupees twenty lakhs only) is paid on this day by way of (Andhra Bank) crossed cheque bearing No.000036 as a token of advance drawn in favour of Smt. V. Sampurna Laxmi bearing Account Number 137810025500044 in Andhra Bank, Bowenpally Branch. Further another post dated 26.05.2020 crossed (Andhra Bank) cheque bearing No.000037, in favour of Smt V.Sampurna Laxmi bearing Account Number 137810025500044 in Andhra Bank, Bowenpally Branch, is issued for Rs.30,00,000/- (Rupees thirty lakhs only). The balance amount of Rs.70,00,000/- (which includes cost of the gold) would be paid on the date of closer of all the cases pending before the High Court of Telangana. Except that there are no any other financial commitments between the parties.

11. Whereas, No.1 amongst the Second party hereby undertakes that she would not claim any maintenance or alimony or any other expenses whatsoever for her or to her daughter, No.2

amongst the Second party in future from the First party and his estate.

12. Whereas it is mutually agreed that in future both the parties will not file any civil or criminal cases or initiate any legal proceedings against each other and they will not interfere with others professional or personal and social life, and will not have communication herewith as the relationship between the parties is severed once for all.

13. Whereas, it is mutually agreed that one should not interfere with the personal life and liberty of other.

14. Whereas, this agreement is entered into between the parties with free will and without coercion.

15. Whereas, presently in view of lock down and non functioning of courts, the parties could not file the appropriate petitions before the High Court and immediately after opening of the courts, the parties will file appropriate petitions before the Hon'ble High Court in terms of the Agreement stated above and settle the issues once for all."

This Court has enquired from the respondent whether she has received Rs.50,00,000/- (Rupees fifty lakhs only) from the appellant as part payment, out of the total amount of Rs.1,20,00,000/- (Rupees one crore and twenty lakhs only), or not? The respondent emphatically states that she has, indeed, received Rs.50,00,000/- (Rupees fifty lakhs only) so far. She further informs this Court that she is still entitled to receive the remaining amount of Rs.70,00,000/- (Rupees seventy lakhs only) as and when she withdraws the case pending against the appellant.

Both the parties have also filed an application, namely I.A.No.2 of 2020 under Section 13-B of the Hindu Marriage Act, for dispensing with the statutory period of six months. Considering the fact that the parties have separated their ways for the last sixteen years, the petition is, hereby, allowed.

The parties have also filed an application under Section 13-B of the Hindu Marriage Act, for seeking divorce by mutual consent. They have also filed an application, namely I.A.No.3 of

2020 for converting the present Appeal to be one under Section 13-B of the Hindu Marriage Act. Therefore, the application is, hereby, allowed. The present Appeal is converted as one under Section 13-B of the Hindu Marriage Act.

Considering the fact that the parties have entered into compromise, considering the fact that the parties have separated for the last sixteen years, and considering the fact that both the parties have given their consent for divorce, the marriage solemnized between the parties on 25.05.2003 stands dissolved, under Section 13-B of the Hindu Marriage Act.

The Registry is directed to draw up the decree in terms of the compromise entered between the parties.

The Appeal is accordingly allowed. Miscellaneous petitions, pending if any, shall stand closed. There shall be no order as to costs.

RAGHVENDRA SINGH CHAUHAN, CJ

B.VIJAYSEN REDDY, J

24.07.2020
Pln