

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY
And
THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

FCA.NO.104 OF 2011

O R D E R (Per the Hon'ble Sri Justice A.Rajasheker Reddy)

The appellant herein is the wife and the respondent is her husband. The appellant – wife filed FCOP.No.120 of 2009 on the file of Family Court, Hyderabad under Section 13(1)(ia) of the Hindu Marriage Act, 1955 (for short 'the Act') seeking divorce on the ground of cruelty. Vide order and decree dated 31.12.2010, the court below dismissed the petition. Assailing the same, she filed the present appeal.

Both the counsel submit that pending the appeal, the parties out of their free will and consent have agreed to compromise the matter and the appellant - wife agreed for granting of divorce on mutual consent under Section 13-B of the Act instead of under Section 13(1)(ia) of the Act on the ground of cruelty, and accordingly entered into a memorandum of compromise. For the purpose of dispose of the appeal in terms of the compromise, they filed I.A.Nos.1 and 2 of 2021.

Both the parties are present and they produced their original Adhar cards for their identity, and they were identified by their counsel. The original Adhar cards are perused and returned to the parties and photo copies are retained in the file. On being questioned by the court, both the parties submitted that they have entered into compromise for dissolving the marriage by way of mutual consent, and sought for disposal of the appeal accordingly.

I.A.No.1 of 2021 filed for recording compromise in terms of the memorandum of compromise dated 31.10.2021 is allowed. The memorandum of compromise signed by both the parties and their counsel, is made part of this order.

I.A.No.2 of 2021 filed for amending the O.P.No.120 of 2009 on the file of the Judge Family Court, Hyderabad for granting decree of divorce by mutual consent as per Section 13-B of the Act instead of under Section 13(1)(i)(ia) of the Act is allowed.

In view of the above, the impugned order of the court below refusing to grant decree of divorce is set aside, and the appeal is accordingly allowed dissolving the marriage between the parties dated 06.02.2004 by mutual consent in terms of the compromise, and a decree be drawn accordingly.

Interlocutory applications pending, if any, shall stand closed. No order as to costs.

A.RAJASHEKER REDDY,J

DR.CHILLAKUR SUMALATHA,J

DATE:21—12—2021

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