

**THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER
AND
THE HON'BLE SRI JUSTICE N. TUKARAMJI**

**I.A.No.3 of 2021
IN/AND
FAMILY COURT APPEAL No.154 OF 2019**

COMMON JUDGMENT: (Per Hon'ble Dr.SA,J)

This appeal is filed by the appellant/husband aggrieved by the order and decree, dated 01.07.2019, passed in O.P.No.31 of 2017 by the Judge, Additional Family Court, City Civil Court, Hyderabad, whereby the subject O.P. filed by the respondent/wife herein was allowed granting divorce by dissolving the marriage of the respondent/wife and the appellant/husband. The Court below also directed the appellant/husband to pay permanent alimony of Rs.30,00,000/- to the respondent/wife and to pay maintenance at Rs.15,000/- per month to their son.

2. Heard the learned counsel appearing for both parties and perused the record.

3. During the pendency of the present appeal, the parties have entered into a compromise and accordingly, they filed I.A.No.3 of 2021, under Order XXIII Rule 3 C.P.C., to pass a decree in terms of the Memorandum of Compromise annexed to the application.

4. Both the appellant, Sri S. Taranjeet Singh Gandhi, and the respondent, Ms. Harpreet Kaur, are present in-person before this Court. They have been identified by their respective counsel. The appellant and the respondent have filed Photostat copies of

their Aadhar Cards in order to establish their identity. The same were verified with the original Aadhar Cards produced by the appellant and the respondent and thereafter, the original Aadhar Cards were returned to them.

5. The respondent/wife has conceded that she received a Demand Draft for an amount of Rs.6,50,000/- from the appellant, who is her former husband. Both the parties have stated before this Court that they have voluntarily entered into a Memorandum of compromise, dated 23.10.2021. A copy of the Memorandum of Compromise is annexed to I.A.No.3 of 2021. The same shall be placed on record.

6. The terms and conditions of the Memorandum of Compromise, dated 23.10.2021, are as under:-

“1. That the Appellant and the Respondent hereby confirm that their marriage solemnized on 30.05.2012 stands dissolved as per order and Decree in O.P.No.31 of 2017 dt.01.07.2019 by the Judge, Additional Family Court, City Civil Courts at Hyderabad, save for this part the other part of the order and decree with respect to alimony, maintenance amount stand set aside.

2. The Appellant has on this day paid a sum of Rs.6,50,000/- (Rupees Six Lakhs and Fifty Thousand only) in the form of Demand Draft (DD)/Banker's Cheque bearing No.282893 dt.13.09.2021 drawn on Bank of Baroda, Malakpet, Hyderabad, T.S., branch and drawn in favour of the Respondent, towards full and final settlement of claims of the respondent. The Respondent hereby admits and acknowledge the receipt of the same.

3. That the Respondent shall withdraw the case vide C.C.No.696 of 2016 pending on the file of Hon'ble court of VIII Addl. Chief Metropolitan Magistrate, Nampally, Hyderabad, by filing necessary petitions, affidavits, compromise, memos, etc. or co-operate with the Appellant herein for closure of the same, in due process of law.

4. That the Appellant hereby declare with his free will that the Respondent shall hold permanent custody of their son, namely Harmeet Singh Gandhi and in future no claim or claims against their son namely Harmeet Singh Gandhi shall be made by the Appellant before any competent Court of Law. That Harmeet Singh Gandhi shall have no claim or claims against the Appellant herein.

5. That the Appellant and the Respondent hereby declare that the both parties have no relationship of whatsoever nature with each other and their respective family members.

6. That the Appellant and the Respondent hereby declare that from this day, both parties shall be responsible for the costs and consequences of their own acts.

7. That the appellant and the Respondent further undertake that they shall not file any sort of complaint, civil and criminal cases against their family members in future, under any circumstances, in relation to any matter concerning their marriage and marital relationship.

8. That the Appellant and the Respondent hereby declare that all issues relating to exchange of each other's property and both parties shall have no claims against each other of whatsoever nature.

9. That from this day onwards the Appellant and the Respondent are at liberty to lead their own lives without the interfering into the personal and peaceful lives of each other.

10. That if the Appellant and the Respondent contravene any or all of the terms and conditions mentioned supra, the Appellant and Respondent shall be liable to be prosecuted as per law, at their own costs and consequences.”

7. Considering the fact that the parties have voluntarily entered into a compromise, the terms of which have been reproduced above and read over and explained to them, I.A.No.3 of 2021 is allowed, as prayed for.

8. The Appeal is accordingly disposed of in terms of the Memorandum of Compromise, dated 23.10.2021. The terms of the Memorandum of Compromise, dated 23.10.2021, shall form part of the decree.

Miscellaneous petitions pending, if any, shall stand closed.
No order as to costs.

Dr. SHAMEEM AKTHER, J

N. TUKARAMJI, J

Date: 29-11-2021
MD

**THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER
AND
THE HON'BLE SRI JUSTICE N. TUKARAMJI**

**I.A.Nos.1, 2 and 3 of 2021
IN/AND
FAMILY COURT APPEAL No.497 OF 2017**

Date:25.11.2021