

**THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER
AND
THE HON'BLE SMT. JUSTICE JUVVADI SRIDEVI
FAMILY COURT APPEAL No.264 OF 2013**

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

This appeal under Section 19 of Family Courts Act, 1984, is filed by the appellant/wife challenging the order and decree, dated 19.07.2012 passed in O.P.No.466 of 2010 by the Judge, Additional Family Court, Hyderabad, whereby the subject OP filed by the respondent/husband, under Section 13(1)(ib) of the Hindu Marriage Act, seeking dissolution of marriage between the parties, was allowed granting decree of divorce with a direction to pay Rs.2,000/- per month towards maintenance to the respondent/wife and Rs.500/- per month towards maintenance to his son from the date of decree till the respondent/wife remarries.

2. On 29.03.2022, learned counsel for the appellant/wife submitted that he has given no objection to the appellant/wife long back. On that day, there was no representation for both sides. Hence, the matter was posted today "for orders". In spite of the same, there is no representation for both sides. Perused the record.

3. The contentions raised in this appeal are that the order under challenge is erroneous. The Court below erred in decreeing the O.P. by granting dissolution of marriage, as stated supra. The Court below ought to have granted an amount of Rs.3,00,000/- as permanent alimony and also ought to have ordered to return the gold ornaments, etc., given in the marriage on behalf of the appellant/wife to the respondent/husband.

4. As seen from the material placed on record, the Court below observed that the appellant in paragraph No.11 of her affidavit, it was stated that she was ready and willing to give divorce by taking permanent alimony and return of gold articles.

5. Admittedly, in the counter filed on behalf of the appellant/wife in the subject O.P., there were no pleadings with regard to permanent alimony, return of the gold ornaments, so also, no counter claim is made in relation thereto. Taking into consideration, all these aspects and the financial status of the parties, the Court below was pleased to grant an amount of Rs.2,000/- per month towards maintenance to the appellant/wife and Rs.500/- per month towards maintenance to the son.

6. When the appellant/wife herself stated that she was ready and willing to take divorce, now she cannot go back and dispute the grant of divorce. Furthermore, there was no counter claim with regard to permanent alimony and return of gold ornaments. The Court below is justified in granting maintenance as stated supra. There is no infirmity in the impugned order. Viewed from any angle, there are no grounds to interfere with the impugned order.

7. Accordingly, the Family Court Appeal is dismissed.

Miscellaneous petitions pending, if any, shall stand closed.

There shall be no order as to costs.

Dr. SHAMEEM AKTHER, J

JUVVADI SRIDEVI, J

Date: 04.04.2022
ssp