

**THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER
AND
THE HON'BLE SRI JUSTICE NAGESH BHEEMAKAPA**

**I.A.Nos.1 and 2 of 2022
IN/AND
FAMILY COURT APPEAL No.141 OF 2017**

COMMON JUDGMENT: (Per Hon'ble Dr. Justice Shameem Akther)

Family Court Appeal No.141 of 2017, under Section 19 of the Family Courts Act, 1984, is filed by the appellant/husband, challenging the order, dated 30.11.2015, passed in OP No.351 of 2012 by the Judge, Family Court at L.B.Nagar, Ranga Reddy District, whereby, the subject OP filed by the appellant/husband under Section 13(1)(ia)(ib) of the Hindu Marriage Act, 1955, for grant of divorce, was dismissed.

2. I.A.No.1 of 2022 is filed by the petitioner/husband under Section 151 of CPC, requesting this Court to dispense/waive off the statutory period of six (6) months (cooling period) for grant of divorce by mutual consent to the appellant and the respondent.

3. I.A.No.2 of 2021 is filed by the petitioner/husband under Order VI Rule 17 of CPC, requesting this Court to permit him to amend/convert the main appeal into an OP for Mutual Divorce under Section 13B of the Hindu Marriage Act, 1955 (for short, 'the Act') and dispose of the appeal by granting divorce by mutual

consent, dissolving the marriage performed between the parties on 25.02.2007, in the interest of justice. A copy of Memorandum of Understanding, dated 05.09.2022, has been filed along with the said application.

4. Heard the submissions of Sri A.Sudhakar, learned counsel, representing Sri Gopala Krishna Kalanidhi, learned counsel for the appellant/husband, Sri Krishna Murthy Vydyula, learned counsel, representing Sri S.Parikshit, learned counsel for the respondent/wife and perused the record.

5. By order, dated 27.04.2022, this Court has referred the matter to Mediation Centre, High Court for the State of Telangana, for settlement. Accordingly, the Director (FAC), Mediation Centre, High Court for the State of Telangana, has forwarded a letter, dated 20.09.2022 to the Registry, along with a Mediator's Report, dated 16.09.2022, and the Memorandum of Understanding, dated 05.09.2022, stating that the Mediation was successful. When the matter came up before this Court on 13.10.2022, the parties requested time to file an application to seek divorce by mutual consent and, therefore, the matter was listed today.

6. Mr. K.V.S.Srinivas, the appellant/husband and Smt. P.Sesharathnam, the respondent/wife are present in-person before

this Court today. They have been identified by their respective counsel. Both the parties are at *consensus ad idem* that they would like to take divorce against each other on mutual consent. They have also entered into a Memorandum of Understanding, dated 05.09.2022, to that effect, which is filed along with I.A.No.2 of 2022. The terms and conditions of the Memorandum of Understanding, dated 05.09.2022, are as under:-

- i. The petitioner has agreed to pay a sum of Rs.3,00,000/- (Rupees three lakhs only) to the respondent (wife) as permanent alimony and as a sequel, he has brought a demand draft for Rs.3,00,000/- (Rupees three lakhs only) favouring the respondent and the original demand drafts has been handed over to the respondent in the presence of the Secretary, Mediation Centre, High Court of Telangana and the respondent has collected the demand draft bearing No.546983, dated 06.09.2022, drawn in favour of Srimati P.Sesharathnam, the respondent.
- ii. It is mutually agreed upon by and between the parties to this deed that the petitioner shall withdraw all the allegations levelled against the respondent and by this presents, the petitioner has withdrawn all the allegations made in the divorce petition filed before Judge, Family Court, Ranga Reddy District, in OP No.351/2012 and both parties have agreed not to rakeup the past incidents or averments, whatsoever.
- iii. The parties to this deed have agreed to filed the petition under Section 13(B) of Hindu Marriage Act, before High Court of Telangana and executed signatures wherever required. This way, both parties wanted to close the disputes by filing a petition for divorce on mutual consent.
- iv. That both parties have executed their signatures in the persons witnesseth with their free will and consent.
- v. That there shall be no room for any monitory claim after taking divorce on mutual consent.

7. The marriage between the parties was performed on 25.02.2007. Soon thereafter, disputes cropped up between the

couple and they are residing separately since June, 2008. As agreed in the Memorandum of Understanding, dated 05.09.2022, the appellant/husband had handed over a demand draft bearing No.546983, dated 06.09.2022, for an amount of Rs.3,00,000/- (Rupees three lakhs only) drawn in favour of the respondent/wife, towards permanent alimony and the respondent/wife had acknowledged the receipt of the same.

8. Considering the fact that the parties have agreed for divorce by mutual consent by entering into a Memorandum of Understanding, the terms of which have been reproduced above and read over and explained to them, the statutory period of six (6) months (cooling period) for grant of divorce by mutual consent is hereby dispensed with. Accordingly, I.A.No.1 of 2022 is allowed.

9. Since the parties wish to part their ways and divorce each other by mutual consent, I.A.No.2 of 2021 is allowed as prayed for, granting permission to amend/convert the main appeal into an OP for Mutual Divorce under Section 13B of the Hindu Marriage Act, 1955. Consequently, the marriage, dated 25.02.2007 performed between the appellant/husband and the respondent/wife stands dissolved by granting a decree of divorce

by mutual consent under Section 13B of the Hindu Marriage Act, 1955.

10. The Appeal is, accordingly, disposed of in terms of Memorandum of Understanding, dated 05.09.2022. The terms of the Memorandum of Understanding, dated 05.09.2022, shall form part of the decree.

Other miscellaneous petitions, if any, pending in this appeal, shall stand closed. There shall be no order as to costs.

Dr. SHAMEEM AKTHER, J

NAGESH BHEEMAPAKA, J

20th October, 2022
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