

THE HON'BLE JUSTICE G. SRI DEVI
AND
THE HON'BLE SMT. JUSTICE M.G. PRIYADARSINI

F.C.A.Nos. 116 & 117 of 2019

COMMON JUDGMENT: (*per Justice G. Sri Devi*)

1) Before the Judge, Additional Family Court at Hyderabad, the wife filed F.C.O.P. No. 129 of 2014 seeking grant of decree of divorce dissolving the marriage that took place with her husband, respondent herein on 19.11.2004 and the husband filed F.C.O.P. No. 655 of 2013 seeking grant of decree of restitution of conjugal rights. The Judge, Family Court, by separate orders, both dated 28.03.2019, while dismissing the petition of the wife for divorce allowed the petition filed by the husband for restitution of conjugal rights. Therefore, aggrieved by both the orders, the wife filed F.C.A. No. 116 of 2019 against the order and decree in F.C.O.P. No. 129 of 2014 and F.C.A. No. 117 of 2019 against the order and decree in F.C.O.P. No. 655 of 2013.

2) During pendency of the appeals, in view of likelihood of settlement of disputes between the parties, this Court by order dated 18.04.2022 referred the matters to the Mediation Centre of the High Court of Telangana for settlement. During the mediation proceedings, the parties have arrived at a mutual understanding to compromise the dispute and have reduced the terms of the compromise into writing by way of Memorandum of Understanding-cum-Family Settlement, dated

22.07.2022. In view of the same settlement, the trained mediator has submitted her report along with Memorandum of Understanding-cum-Family Settlement, dated 22.07.2022 stating that the parties have resolved their disputes.

3) Today, the appellant and respondent are present and produced their original Aadhar Cards. They are identified by their respective counsel. When examined, they have reiterated the contents of the Memorandum of Understanding-cum-Family Settlement, dated 22.07.2022. In the Memorandum of Understanding, it is stated that both the parties are living separately from 28.04.2012 and that during their wedlock, two daughters, namely Ruba Bin Mohammed Shamlan, aged 17 years, and Arshi Bin Mohammed Shamlan, aged 15 years, are born. It is stated that in terms of settlement, the husband has pronounced Talaaq (Khula Divorce) in favour of the wife on 26.07.2022. It is stated that the wife has already sold away the house property that was standing in her name, which was constructed with the own funds of husband, and appropriated the sale proceeds by herself, amounting to a tune of Rs.22.00 lakhs and in lieu thereof, she has relinquished all her rights and claims of whatsoever such as permanent alimony, arrears of maintenance amount to a tune of Rs.Rs.3,90,000/-. She has also agreed to withdraw all the cases filed by her against the husband. It was further agreed that both the minor daughters shall remain in the care and custody of the husband. Therefore, both the parties prayed

for disposal of the appeals in terms of the Memorandum of Understanding entered between them. In such circumstances, we deem it appropriate to dispose of the appeals in terms of the memorandum of compromise.

4) Accordingly, both the appeals are allowed setting aside the impugned orders, dated 28.03.2019 passed by the Judge, Additional Family Court, Hyderabad in F.C.O.P. Nos. 129 of 2014 and 655 of 2013. In terms of the Memorandum of Understanding entered between the parties, the F.C.O.P. No. 129 of 2014 stands allowed and F.C.O.P. No. 655 of 2013 stands dismissed. The Memorandum of Understanding, dated 22.07.2022 shall form part of this common judgment. No order as to costs.

Registry is directed to draft the decree in terms of the Memorandum of Understanding, dated 22.07.2022 and a copy of the memo be appended to the decree.

Miscellaneous petitions, if any, pending in this appeal shall stand closed.

JUSTICE G. SRI DEVI

JUSTICE M.G. PRIYADARSINI

22.08.2022
Tsr/gkv

THE HON'BLE JUSTICE G. SRI DEVI

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(per Justice G. Sri Devi)

DATE:22-08-2022