

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

F.C.A.No.33 of 2022

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

1) The present appeal is filed against the order and decree dated 26.08.2021 passed in O.P.No.42 of 2017 on the file of the Judge, Family Court-cum-VI Additional District Judge, Nalgonda.

2) The respondent herein-wife filed O.P.No.42 of 2017 under Section 13(1)(ia) of the Hindu Marriage Act, 1955 against the appellant herein-husband seeking dissolution of the marriage on the ground of cruelty. Vide order and decree dated 26.08.2021, the learned Judge, Family Court, allowed the O.P. and granted a decree of divorce dissolving the marriage of the appellant and the respondent that took place on 20.12.2015. Challenging the same the present appeal is filed by the appellant-husband.

3) During pendency of the appeal, the G.P.A. holders of both the parties filed joint memo stating that even though an Agreement for Mutual Divorce was entered into between the parties on 07.03.2021 agreeing to dissolve the marriage by taking a mutual consent divorce, the said agreement was not placed before the trial Court due to unavoidable circumstances such as COVID pandemic which was at its

peak in May-June of 2021 and as such the Counsel for the respondent-wife could not attend the Court and unfortunately the said fact of the Agreement between the parties could not be informed to the trial Court and appropriate applications were not filed. As a result, the trial Court proceeded with the trial and passed a decree of divorce on the ground of cruelty.

4) Today the G.P.A. holders of both the appellant and respondent are present and produced their original Aadhar Cards. They are identified by their respective counsel. Now, it has been submitted by the G.P.A. holders of both the parties that both the appellant and respondent have already entered into an agreement for mutual divorce on 07.03.2021 and both the parties are not interested in continuing their marital tie. Therefore, they prayed to record the compromise entered between the parties on 07.03.2021 to allow the appeal in terms thereof by dissolving the marriage by mutual consent.

5) In view of the settlement arrived at between the parties and since both the appellant and respondent have been residing separately for the last five years, this Court is inclined to dissolve the marriage by mutual consent of the parties.

6) Accordingly, F.C.A.No.33 of 2022 is disposed of in terms of the compromise entered between the parties. Consequently, the marriage

between the appellant and respondent that took place on 20.12.2015 is hereby dissolved by mutual consent. The agreement for mutual divorce, dated 07.03.2021 shall form part of this judgment. No order as to costs.

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

JUSTICE G. SRI DEVI

JUSTICE M.G. PRIYADARSINI

21.07.2022
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THE HON'BLE JUSTICE G. SRI DEVI

THE HON'BLE SMT. JUSTICE M.G. PRIYADARSINI

I.A. No. 1 of 2022
IN/AND
F.C.A.No.5 of 2019
(per Justice G. Sri Devi)

DATE:08-07-2022