

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

**I.A.Nos.1, 2 AND 3 OF 2022
IN/AND
FAMILY COURT APPEAL No.112 OF 2021**

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

Family Court Appeal No.112 of 2021, under Section 19 of the Family Courts Act, 1984, is filed by the appellant/wife, challenging the order and decree, dated 11.06.2021, passed in FCOP No.93 of 2017 by the Judge, Family Court, Khammam, whereby, the subject FCOP filed by the appellant/wife under Section 13(1)(ia)(ib) of the Hindu Marriage Act, 1955, (for short 'the Act') for grant of divorce, was dismissed.

2. I.A.No.1 of 2022 is filed by the appellant/wife seeking permission of this Court to file Memorandum of Understanding, dated 07.07.2022, for recording the compromise in the appeal.

3. I.A.No.2 of 2022 is filed by the appellant/wife 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/wife and the respondent.

4. I.A.No.3 of 2022 is filed by the appellant/wife under Section 151 of CPC, requesting this Court to permit her to amend/convert the main appeal into an OP for Mutual Divorce under Section 13B of the Act and dispose of the appeal by granting divorce by mutual consent, dissolving the marriage performed between the parties on 29.05.2004, in the interest of justice.

5. Heard the submissions of Sri N.Usha Kiran, learned counsel representing Sri A.Ravi Babu, learned counsel for the appellant/wife, Sri Shaik Madar, learned counsel for the respondent/husband, and perused the record.

6. Smt.V.M.Pradeepti, the appellant/wife and Sri K.V.Vara Prasad, the respondent/husband are present in-person before this Court today. They have been identified by their respective counsel. Both the parties have stated before this Court that they have amicably settled the dispute outside the Court and they intend to dissolve the marriage performed between them, by mutual consent and that the settlement reached by them is voluntary. Both the parties are at *consensus ad idem* that they would like to take divorce against each other on mutual consent. Therefore, this Court is of the opinion that the settlement

reached in between the parties is voluntary, without any coercion. The parties have also entered into a Memorandum of Understanding, dated 07.07.2022.

7. Since the parties wish to part their ways and divorce each other by mutual consent, I.A.No.3 of 2022 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 and record mutual consent. Considering the fact that the parties have agreed for divorce by mutual consent by entering into a Memorandum of Understanding, the statutory period of six(6) months (cooling period) for grant of divorce by mutual consent is hereby dispensed with. Accordingly, I.A.Nos.1 and 2 of 2022 are allowed.

8. In the result, F.C.A.No.112 of 2021 is allowed and the impugned order and decree, dated 11.06.2021, passed in FCOP No.93 of 2017 by the Judge, Family Court, Khammam, is set aside. Consequently, the subject FCOP No.93 of 2017 stands allowed and the marriage performed between the appellant/wife and the respondent/husband on 29.05.2004 stands dissolved by granting a decree of divorce by mutual consent under Section 13B of the Hindu Marriage Act.

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

Date: 02.11.2022
PSA / SSP