

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

F.C.A.NO.232 OF 2018

JUDGMENT (Per the Hon'ble Justice G.Sri Devi)

The appellant herein is the husband, and the respondent is his wife. He filed O.P.No.1852 of 2015 on the file of Additional Family Court at Hyderabad under Section 13(1)(ia) and (ib) of the Hindu Marriage Act, 1955 for grant of divorce by dissolving his marriage with the respondent solemnized on 23.05.2010.

2. The trial court vide order and decree dated 20.03.2018 dismissed the petition. Assailing the same, husband filed the present appeal.

3. During the pendency of the appeal, this court having found that there is an element of settlement present in the matter, vide order dated 13.04.2022, referred to the Mediation Centre of the High Court of Telangana for settlement in accordance with law.

4. The Office of the Mediation and Arbitration Centre, represented by its Member Secretary, vide letter in Roc.No.102/HCMAC/2021 dated 13.06.2022 informed this court that mediation was conducted by trained Advocate Mediator and that parties have agreed to enter into memorandum of understanding and therefore, sought time and also filed letter of the mediator in this regard.

5. Learned counsel appearing for both the parties submitted that the parties have entered into compromise and filed memorandum of understanding between

the parties dated 30.06.2022 , engrossed on Rs.100 non-judicial stamp paper and sought to disposed of the appeal in terms of the said memorandum of understanding.

6. A perusal of the memorandum of understanding shows that parties have decided to live separately by dissolving the marriage, and the appellant / husband deposited Rs.3,00,000/- towards permanent alimony in a fixed deposit, and the same was also acknowledged by the wife, and that in pursuance this settlement, certain gold and silver item were given to the respondent – wife, and she also acknowledged the same. The terms of settlement between the parties are mentioned in the said memorandum of understanding.

7. Both the parties and their daughter Sajjala Kranthi Sree are present in-person before this court, and they produced copies of their respective adhar cards to prove their identity and the said adhar cards were attested by their advocates, and the parties have also been identified by the counsel.

8. On being questioned by this court, the respondent / wife submitted that she had voluntarily entered into compromise and signed the memorandum of understanding, and that she has received the cheque and the articles mentioned in the memorandum of understanding in lieu of her marriage, maintenance, permanent alimony and other expenses including, litigations, entitled under law, and hence marriage between the parties may be dissolved, and the appeal be allowed accordingly.

9. Having regard to the facts and circumstances of the case, the original of memorandum of understanding signed both the parties and their counsel and the witnesses and also the Mediator (High Court of T.S.), and also the copies of the adhar cards of the respective parties, is made part of this order.

10. In view of the above, marriage between the parties solemnized on 23.05.2010 is dissolved by way of mutual consent and the appeal filed by the respondent / husband is accordingly allowed to the extent indicated above, by setting aside the impugned judgment and decree dated 20.03.2018, and registry shall draw the decree incorporating the terms of memorandum of understanding entered into between the parties on 30.06.2002.

11. Interlocutory Applications pending, if any, shall stand closed. No order as to costs.

G.SRI DEVI,J

M.G.PRIYADARSINI,J

DATE:11—07—2022
AVS