

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

F.C.A.No.254 of 2019

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

1) The present appeal is filed against the order and decree dated 01.11.2019 passed in D.O.P.No.170 of 2016 on the file of the Judge, Family Court cum VI Additional District Judge, Khammam.

2) The appellant herein-husband filed D.O.P.No.170 of 2016 under Section 10 of the Indian Divorce Act seeking dissolution of the marriage on the ground of adultery by the respondent-wife. Vide order and decree dated 01.11.2019, the learned Judge, Family Court cum VI Additional District Judge, Khammam, allowed the said O.P. Challenging the same, the present appeal is filed by the appellant-wife.

3) Both parties are personally present before this Court and they have been duly identified by their respective counsel. For the purpose of their identification, the parties have also submitted their original Aadhaar Cards and the copies of which have been duly attested by their respective counsel.

4) During pendency of the aforesaid F.C.A.No.254 of 2019, which has been filed by the wife/appellant against the decree of divorce granted by the trial Court in D.O.P.No.170 of 2016 dated 01-11-2019, this Court referred the matter for Mediation to the Mediation and Arbitration Centre, High Court for the State of Telangana, Hyderabad.

5) In compliance of the directions of this Court, Sri P.Indira Prakash, Trained Advocate Mediator was appointed by the Mediation and Arbitration Centre, High Court for the State of Telangana, Hyderabad and after full fledged Mediation, both the parties have settled their disputes amicably and the terms and conditions of the settlement have been reduced into writing, which has been settled between the parties. Accordingly, Trained Advocate Mediator has submitted his report along with the 'Terms of Settlement' arrived at between the parties, which is placed on record.

6) According to the 'Terms of Settlement', both parties have agreed for dissolution of their marriage. In lieu, thereof the respondent/husband has agreed to pay a sum of Rs.9 lakhs to the wife/appellant towards full and final settlement. On such payment made by the husband, the wife has agreed to withdraw

all the cases which have been filed by the wife against her husband, which are pending in different Courts at Kothagudem. The wife/appellant has specifically mentioned that she is not willing to contest in M.C.No.5 of 2017 and D.V.C.No.2 of 2017 and the case filed by her against her husband under Section 498-A of IPC in view of the said compromise. To-day the wife has submitted that she has withdrawn all the cases which were pending at different Courts at Kothagudem. As per the terms of compromise, a sum of Rs.5 lakhs was deposited in the name of appellant in her Bank account by way of Demand Draft dated 12.07.2022 and further a sum of Rs.4 lakhs was supposed to be paid by the husband on 18-08-2022. However, since the wife has already withdrawn all the cases, the balance amount of Rs.4 lakhs was also paid by the husband to the appellant/wife by way of cheque, the amount of which, the wife acknowledged to have received the said amount. Thus, the wife has received the total amount of Rs.9 lakhs towards full and final settlement.

7) Both parties have also agreed that they shall not claim anything and they do not interfere into the individual life of one another in future. Accordingly, they have agreed to live independently as per their own wish and willingness.

8) In the light of settlement arrived between the parties, the F.C.A.No.254 of 2019 is dismissed and the Decree passed by the Family Court cum VI Additional District Judge, Khammam in D.O.P.No.170 of 2016 dissolving the marriage between the parties, is confirmed. The Terms of Settlement arrived at between the parties during the Mediation shall form part of the Decree. No order as to costs.

9) Registry is directed to draft the decree in terms of the compromise and a copy of the Terms of Settlement memo be appended to the decree.

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

JUSTICE G. SRI DEVI

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19.07.2022
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(per Justice G. Sri Devi)

DATE:19-07-2022