

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

I.A. Nos. 1 and 2 of 2022
IN/AND
F.C.A.No. 460 of 2017

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

- 1) The present appeal is filed against the order and decree dated 13.07.2017 passed in F.C.O.P.No.01 of 2015 on the file of the Judge, Family Court-cum-III Additional district Judge at Warangal.
- 2) The appellant herein-wife filed F.C.O.P.No.01 of 2015 under Section 13(ia), 13 (i)(b) of the Hindu Marriage Act against the respondent herein-husband seeking dissolution of the marriage, dated 26.05.2013 on the ground of cruelty and harassment. Vide order and decree dated 13.07.2017, the learned Judge, Family Court, dismissed the said O.P. holding that the petition was filed on baseless, scandalous and false allegation. Challenging the same the present appeal is filed by the appellant-wife.
- 3) During pendency of the appeal, both the parties filed the present application i.e., I.A. No. 1 of 2022 and I.A. No. 2 of 2022. The former one is filed to grant leave for amending the provision of law of the F.C.O.P. No. 1 of 2015 from Section 13(ia), 13(i)(b) to Section 13(B) of the Hindu Marriage Act, 1955. The latter one is filed to amend the provision of law of the F.C.O.P. to that of Section 13(B) of the Hindu

Marriage Act in place of Section 13(ia), 13(i)(b) of the Act. Along with I.A. No. 2 of 2022, a joint memo is filed by both the parties stating *inter alia* that due to the intervention of the common well wishers and elders, both the parties mutually agreed to dissolve the marriage as they have separated from the conjugal society long back. It was mutually agreed that both the parties will not be having any claim against each other such as alimony etc. It was also agreed by the parties that the custody of the minor boy, namely Bonda Sai Vivekananda, 8 years old, shall be with the mother till he attains the age of majority.

4) 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 joint memo. As regards the visitation rights of the minor boy, both the parties agreed that the father, respondent herein shall have periodical visitation rights in respect of the minor boy with prior intimation to the appellant at the place mutually fixed by the parties in the presence of their common elder(s)/will wisher(s).

5) In view of the above and having regard to the settlement arrived at between the parties, both the I.As. are ordered. In such circumstances, we deem it appropriate to dispose of the appeal in terms of the joint memo filed along with the I.A. No. 2 of 2022.

6) Accordingly, F.C.A.No. 01 of 2015 is allowed of in terms of the compromise entered between the parties by dissolving the marriage that took place between the parties on 26.05.2013. Consequently, the order dated 13.07.2017 passed in F.C.O.P.No. 01 of 2015 on the file of the Judge, Family Court-cum-III Additional District Judge at Warangal, is hereby set aside and the F.C.O.P. stands allowed. The Joint Memo shall form part of this order. No order as to costs.

Registry is directed to draft the decree in terms of the compromise and a copy of the joint 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

10.08.2022
tsr

THE HON'BLE JUSTICE G. SRI DEVI

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(per Justice G. Sri Devi)

DATE:10-08-2022