

THE HON'BLE SRI JUSTICE SANJAY KUMAR

AND

THE HON'BLE SRI JUSTICE T. AMARNATH GOUD

F.C.A.No.64 OF 2007

ORDER:

(Per Sanjay Kumar, J)

1 This appeal, under Section 19 of the Family Courts Act, 1984, arises out of the judgment and decree dated 02.3.2007 passed by the learned Judge, Family Court, City Civil Court, Secunderabad, in FCOP No.173 of 2006. The said FCOP was filed by the husband, the respondent herein, under Section 13 (1) (ia), (ib), (ii), of the Hindu Marriage Act, 1955 (for short, 'the Act of 1955), seeking dissolution of his marriage with his wife, the appellant herein, by way of a decree of divorce. However, by the judgment and decree dated 02.03.2007, the Family Court granted a decree for judicial separation under Section 13-A of the Act of 1955. Aggrieved thereby, the wife preferred this appeal. By order dated 13.4.2007 passed in FCAMP No.132 of 2007 filed in this appeal, the Court granted interim suspension of the judgment and decree under appeal.

2 While so, when the matter was taken up for hearing on 15.02.2019, learned counsel appearing for both parties informed this Court that despite the decree granted by the Family Court, the parties were residing together. This Court therefore directed both parties to be present before it on 08.4.2019 and also directed them to file a compromise deed.

3 Today, the appellant – wife is present in person. But Sri D. Krishna Murthy, learned counsel for the respondent – husband, would inform this Court that despite his many efforts, his client failed to either attend his office or come before this Court. Learned counsel would further state on

instructions that the respondent-husband is now residing with his wife amicably. Ms. Sneha Bogle, learned counsel representing Ms. Manjari S.Ganu, learned counsel for the appellant–wife, would inform this Court that both the parties are living together peacefully and that the decree for judicial separation passed by the Family Court has become superfluous.

4 In the light of the aforestated events, which have taken place during the pendency of this appeal, we are of the opinion that this appeal requires to be allowed as the decree for judicial separation has become meaningless by virtue of the later developments in the form of the parties living together amicably.

5 This appeal is accordingly allowed, setting aside the judgment and decree for judicial separation passed by the learned Judge, Family Court, City Civil Court, Secunderabad, in FCOP No.173 of 2006.

6 Pending miscellaneous petitions, if any, shall also stand closed. No order as to costs.

SANJAY KUMAR, J.

AMARNATH GOUD, J.

Dt: 08.04.2019

Kvsn