

**HON'BLE SRI JUSTICE R. SUBHASH REDDY  
AND  
HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO**

**CMA MP No.97 of 2015**

**in/and**

**C.M.A.No.10 of 2015**

-  
**JUDGMENT:** (Per Justice R. Subhash Reddy)

This Civil Miscellaneous Appeal is filed under Section 28 of the Hindu Marriage Act, 1955 (for short "the Act") by the

petitioner-wife, aggrieved by the order and decree dated 21.01.2014 passed in H.M.O.P.NO.88 of 2011, by the learned Senior Civil Judge, Kandukur. By the aforesaid order, the Senior Civil Judge, Kandukur dismissed the petition filed by the petitioner-wife, under Section 13(1)(ia) and (ib) of the Act, for dissolution of marriage by grant of decree of divorce, on the ground of desertion and cruelty.

2. At the stage of admission, C.M.A.M.P.No.97 of 2015 is filed under Order XXIII Rule 3 read with Section 151 CPC to dispose of the C.M.A., in terms of the compromise arrived at. Along with the petition, memo of compromise is filed in which it is stated that the petitioner and the respondent have decided to live separately and requested to dissolve the marriage by granting decree of divorce in terms of the compromise arrived at.

3. When the matter is taken up for hearing, both parties are present and their counsel identified the

parties. The parties state that they have settled the dispute amicably and decided to seek dissolution of marriage by grant of decree of divorce in terms of the memo of compromise.

4. In view of the reasons stated in the affidavit filed in support of the petition, C.M.A.M.P.No.97 of 2015 is allowed as prayed for. Consequently, C.M.A.No.10 of 2015 is disposed of, dissolving the marriage of the petitioner with the respondent by granting decree of divorce in terms of the memo of compromise. The memo of compromise shall form part of the decree. Consequently, miscellaneous petitions if any pending in the appeal stand disposed of. No order as to costs.

---

R. SUBHASH REDDY, J

---

Dr. B. SIVA SANKARA RAO, J

February 6, 2015  
MRR