

**THE HON'BLE SRI JUSTICE R. SUBHASH REDDY**

**AND**

**THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA**

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**C.M.A.No.113 OF 2015**

**AND**

**C.M.A.MP.No.1519 OF 2015**

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**JUDGMENT:** (Per Hon'ble Sri Justice R. Subhash Reddy)

This appeal, under Section 28 of the Hindu Marriage Act, 1955, is filed aggrieved by the order, dated 05.09.2014, passed in H.M.O.P.No.9 of 2014 by the Senior Civil Judge, Tadepalligudem.

The appellant – husband has filed the aforesaid O.P., under Section 13 (1) (ia) and (ib) of the Hindu Marriage Act, against the respondent - wife, for grant of divorce. The Court below, by impugned order, dated 05.09.2014, has dismissed the said O.P., as against which, the present appeal is filed.

During pendency of the appeal, the parties have filed C.M.A.MP.No.1519 of 2015, under Order XXIII Rule 3 C.P.C., to record the terms of compromise and allow the appeal by dissolving the marriage performed between the parties in terms of Memo of Compromise annexed to the petition.

In the affidavit filed in support of the petition, it is stated that at the intervention of elders and well-wishers, the dispute between the parties is settled and the terms of settlement are reduced into a Memo of Compromise annexed to the petition, as per which, the parties have agreed to dissolve the marriage and the appellant has

agreed to pay Rs.3,00,000/- to the respondent towards permanent alimony.

When the matter is called, the parties, who are present in person and who have been identified by their respective counsel, have requested to dispose of the appeal in terms of the Memo of Compromise annexed to C.M.A.MP.No.1519 of 2015.

For the aforesaid reasons, C.M.A.MP.No.1519 of 2015 is allowed, as prayed for and consequently, the appeal is allowed by setting aside the impugned order, dated 05.09.2014, and by dissolving the marriage performed between the appellant and the respondent subject to the terms of compromise as mentioned in the Memo of Compromise. The Memo of Compromise shall form part of the decree.

Miscellaneous Petitions, if any, pending in this appeal shall stand closed. No costs.

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**R. SUBHASH REDDY, J**

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**A. SHANKAR NARAYANA, J**

September 28, 2015

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