

HON'BLE SRI JUSTICE R.SUBHASH REDDY

AND

THE HON'BLE SRI Dr. JUSTICE B. SIVA SANKARA RAO

C.M.A.M.P.No.338 of 2015 in/and C.M.A.No.18 of 2015

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

C.M.A.No.18 of 2015, under Section 28 of the Hindu Marriage Act, 1955, is filed against the order and decree dated 03.09.2013 in O.P.No.16 of 2013 passed by the Senior Civil Judge, Jagtial, whereby the petition filed by the appellant-husband against the respondent-wife, under Section 13(1) (ia) of the Hindu Marriage Act, for dissolution of their marriage performed on 17.05.2011, was dismissed.

During pendency of the appeal, the appellant-husband filed a petition being C.M.A.M.P.No.338 of 2015 under Order XXIII Rule 3 of C.P.C., seeking to record the compromise and grant a decree of divorce as per the terms and conditions of Memorandum of Compromise, which is signed by both the parties along with their advocates. In the affidavit filed along with CMAMP.No.338 of 2015, it is stated that during the pendency of the appeal, at the intervention of the elders, the disputes between the parties have been settled and that the parties have decided to obtain divorce subject to the conditions mentioned in the Memorandum of Compromise.

We have perused the Memorandum of Compromise, wherein it is stated that the appellant has given Rs.3,50,000/-, by way of cash, to the respondent-wife towards permanent alimony, apart from

transferring the land admeasuring Ac.0.6 ½ gts covered by S.No.336/B situated at Lingampet Shivar, Jagtial Mandal, in favour of his minor son by name Mahender.

When the matter is called, both the parties are present in-person and requested to dispose of the appeal in terms of the settlement arrived at between them and grant a decree of divorce by dissolving their marriage, in terms of the said Memorandum of compromise.

Having regard to the reasons stated in the affidavit filed in support of the petition and also in view of the settlement arrived at between the parties pursuant to the terms and conditions of Memorandum of Compromise, C.M.A.M.P.No.338 of 2015 is allowed. Consequently, C.M.A.No.18 of 2015 is disposed of in terms of the Memorandum of Compromise and the marriage between the appellant and the respondent stands dissolved. The terms of Memorandum of Compromise shall form part of the decree.

As a sequel, pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

JUSTICE R. SUBHASH REDDY

Dr. JUSTICE B.SIVA SANKARA RAO

15.04.2015

v v

