

HON'BLE SRI JUSTICE R. SUBHASH REDDY

AND

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

F.C.A.No.90 of 2015 with F.C.A.M.P.No.487 of 2015

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COMMON JUDGMENT : (Per Justice R. Subhash Reddy)

The appeal in F.C.A.No.90 of 2015 is filed under Section 19 of the Family Courts Act, by the petitioner in F.C.O.P.No.968 of 2010 on the file of Family Court-cum-V Additional District & Sessions Judge, Visakhapatnam, aggrieved by order dated 29.09.2014, passed in the said application.

2. By the aforesaid order, the petition filed by the appellant herein under Section 13(1)(1-A) of the Hindu Marriage Act, 1956, for dissolution of marriage between appellant and respondent, on the ground of cruelty, is dismissed. As against the same, this appeal is filed.

3. During the pendency of this appeal, parties have filed F.C.A.M.P.No.487 of 2015 under Order 23 Rule 3 of C.P.C., seeking to dispose of the appeal in terms of the compromise. Along with the said petition, a memorandum of understanding arrived between the parties, is filed, upon perusal of which, it is clear that the parties have resolved the disputes and the appellant has agreed to pay an amount of Rs.15,00,000/- to the respondent.

4. When the matter is taken up, parties are present in person and the respondent-wife has stated that she has received Rs.2,00,000/- by way of cash and Rs.13,00,000/- by way of Bankers' Cheque bearing No.000123, dated 19.09.2015, from the respondent, and requested to dispose of the appeal in terms of compromise.

5. In view of the reasons stated in the affidavit filed in support of F.C.A.M.P.No.487 of 2015, the said petition is allowed as prayed for. Consequently, F.C.A.No.90 of 2015 is also allowed by setting aside the order dated 29.09.2014, passed by the Family Court-cum-V Additional District & Sessions Judge, Visakhapatnam, in F.C.O.P.No.968 of 2010, and granting decree of divorce by mutual consent by dissolving the marriage between the appellant and respondent, subject to the terms and conditions as stated in the memorandum of understanding. The terms of memorandum of understanding shall form part of the decree. No order as to costs.

Miscellaneous applications pending, if any, shall stand closed.

R. SUBHASH REDDY, J

A. SHANKAR NARAYANA, J

23rd September 2015

ajr