

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

and

The Hon'ble Sri Justice G.Shyam Prasad

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**CMAMP.Nos.1192 and 1214 of 2016 in/&
Civil Miscellaneous Appeal No.374 of 2016**

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Date: 05.08.2016

Between:

Kolusu Vijaya Madhuri

..Appellant

and

Kolusu Venkata Satyanarayana

..Respondent

Counsel for the Appellant:

Mr.G.Vijaya Babu

Counsel for the respondent:

Mr.Somanchi

Venkateswarlu

The Court made the following:

Common Order: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

The respondent in HMOP.No.74 of 2014 on the file of the Senior Civil Judge, Mangalagiri, filed the Civil Miscellaneous Appeal (CMA) feeling aggrieved by the grant of decree therein for dissolution of marriage between herself and the

respondent.

Pending the CMA, the parties have filed CMAMP.No.1192 of 2016 for withdrawal of the CMA.

Along with the said application, they have filed Joint Memo and also Memorandum of Terms of Compromise, dated 31-07-2016.

When the said application came up before us on 02.08.2016, this Court felt that a formal application for amendment of the prayer in HMOP.No.74 of 2015 is required for grant of decree for dissolution of marriage by mutual consent. On that day, both the parties were personally present and they have expressed their willingness for dissolution of their marriage by mutual consent subject to the terms of Memorandum of Compromise. While dispensing with their presence, this Court has adjourned the case to today to enable the parties to file a separate application for amendment of the prayer in the OP. Accordingly, the respondent, who filed HMOP, filed CMAMP.1214 of 2016 for permitting him to amend the prayer in the said HMOP as “to grant decree by way of mutual consent subject to the terms and conditions of

Memorandum of Settlement, dated 31-07-2016, under Section 13-B of the Hindu Marriage Act, 1955”.

In the light of the above facts, CMAMP.1214 of 2016 is allowed. Consequently, the judgment and decree, dated 01-02-2016, in HMOP.74 of 2015 is amended as the one under Section 13-B of the Hindu Marriage Act, 1955, granting divorce by mutual consent subject to the terms of the Memorandum of Compromise, dated 31-07-2016.

Accordingly, CMA.No.374 of 2016 and CMAMP.1192 of 2016 stand disposed of.

As a sequel, CMAMP.No.737 of 2016, filed by the petitioner for interim relief, is disposed of as infructuous.

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(C.V.Nagarjuna Reddy, J)

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(G.Shyam Prasad, J)

Dt: 5th August, 2016
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