

High Court for the State of Telangana

**THE HONOURABLE THE CHIEF JUSTICE
SRI RAGHVENDRA SINGH CHAUHAN
AND
THE HON'BLE SRI JUSTICE A.ABHISHEK REDDY**

I.A.No.1 & 3 of 2019
IN/AND

F.C.A.No.155 of 2017

Date: 16.10.2019

Between:

Ram Gopi Krishna

... Appellant

... And

Rama Sunitha @ Nagula Sunitha

... Respondent

Counsel for the petitioner : Mr. Peri Prabhakar

Counsel for the respondent : Mr. B.Ranganadh Rao

The Court made the following:

COMMON JUDGMENT: *(Per the Hon'ble the Chief Justice Sri Raghvendra Singh Chauhan)*

Both the appellant, Ram Gopi Krishna, and the respondent, Rama Sunitha @ Nagula Sunitha, are present before this Court. They have submitted their Aadhar Cards in order to prove their identity. They have also been identified by their respective counsel.

2. The appellant has challenged the legality of the judgment dated 31.12.2016 passed by the learned Family Court, Warangal, whereby the learned Family Court had dismissed the divorce petition filed by the appellant. However, during the pendency of the present appeal, the parties have entered into compromise. The terms of the compromise have been submitted by the parties along with I.A.No.1 of 2019. The same shall be taken on record. The terms of the compromise are as under:

- a. The second party has agreed for amicable settlement of all her claims towards her articles with the husband and matrimonial home, her permanent alimony and maintenance etc, and she is not claiming anymore amount than what is mentioned in clause six of this agreement, against the husband/first party and there is no further claim of any nature either now or in future.
- b. The husband and wife agree that along with this Memorandum of Compromise they would file a mutual divorce petition in the pending FCA 155 of 2017 before the High Court of Judicature at Hyderabad as required under Hindu Marriage Act, 1955. Both the parties agree that they will appear before the High Court and present the said application for mutual consent divorce.
- c. The husband and wife agree that they shall not file any suit, petition or complaint etc., or institute any legal proceedings whatsoever against each other or the family members of each other in future and both parties agree that there are no pending petitions, complaints, proceedings or cases of any nature filed anywhere before

any court or authority in this regard except C.C.No.600 of 2014 on the file of the I-Additional Judicial First Class Magistrate at Warangal and DVC No.18 of 2015 on the file of the same Court.

- d. Both the parties hereby agree that this Settlement Deed is irrevocable and unquestionable and both parties undertake that this Memorandum of Compromise would inter alia be legal, valid, binding and enforceable and executable in all matters and either of the parties shall have no claim or raise any dispute whatsoever against each other in future.
- e. Out of the wedlock, a male child Master Hemant Sai was born on 12.06.2013 and this Memorandum of Understanding provides for the maintenance of the said child in terms of Clause 6 of this Memorandum of Understanding.
- f. In full and final settlement of the permanent alimony/compensation to be paid to the wife/second party and all other claims of the wife including maintenance of the child, Master Hemant Sai, the second party on her maintenance and other issues which are claimed by them was settled to the tune of Rs.5,00,000/- and the second party further confirms that she had received the above amount under all claims including their claim for maintenance and permanent alimony against the first party and the parents of the first party. Further the second party agreed to close the proceedings of the above D.V.C as per law without any condition or claim against the first party and the first party family members.
- g. Both the parties have agreed that in the best interest of the child the custody of the mail child, Master Hemant Sai will be with the second party. It is also agreed between the parties that if at any point of time the 2nd party does not wish to retain the custody of the minor male child, Master Hemant Sai, the 1st party will immediately take custody of the child, raise the child in the best possible manner.
- h. Both parties have a right to remarriage as per their choice on the grant of decree of dissolution of their marriage by the High Court of Judicature at Hyderabad, Hyderabad by mutual consent.
- i. The exchange of article and amounts is complete and all the said things are exchanged before the elders and there is no claim against each other.

- j. Both parties agree to respect each other's privacy and undertake not to invade other's privacy in any manner and both parties have returned all such personal information viz., photographs, letters, cards or any such information which is private and confidential to either party and the same shall not be used against each other in any manner, which is punishable under law.
- k. Both parties hereby record their complete satisfaction on the terms of compromise written herein before on the dissolution of their marriage.
- l. The second party agreed to withdraw the C.C.No.600/2014 on the file of the I-Additional Judicial First Class Magistrate, at Warangal without any condition. Further the second party forgone all the claims which are awarded under the proceedings of D.V.C.No.18 of 2015 against the first party and the parents of the first party. Further, the second party agreed to close the proceedings of the above D.V.C. as per law without any condition or claim against the first party and the first party family members by filing M.P. in D.V.C.No.18 of 2015 of I-Additional Judicial First Class Magistrate, at Warangal.

3. Both the parties have also filed an application, namely, I.A.No.3 of 2019 under Section 13-B of the Hindu Marriage Act and have prayed that the mandatory statutory period should be waived by this Court. Considering the fact that the parties have settled their dispute, the statutory period prescribed by Section 13-B of the Hindu Marriage Act is hereby waived.

4. Considering the fact that the parties have agreed to divorce each other on the basis of mutual consent, their marriage performed on 08.08.2012 is hereby dissolved. The Registry is directed to draft the decree in terms of compromise.

5. The appeal stands disposed of. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

(RAGHVENDRA SINGH CHAUHAN, CJ)

(A.ABHISHEK REDDY, J)

16th October, 2019

Lrkm

