

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30<sup>TH</sup> DAY OF NOVEMBER, 2021

PRESENT

THE HON'BLE MR. JUSTICE B. VEERAPPA

AND

THE HON'BLE Mrs. JUSTICE K.S. HEMALEKHA

MISCELLANEOUS FIRST APPEAL No.5393/2019(FC)

**BETWEEN:**

SMT. SURAPANENI RADHIKA,  
W/O SURAPANENI VISHNU CHAITANYA,  
AGED ABOUT 34 YEARS,  
NOW R/AT # 204,  
VIJAYA TOWERS,  
SHANTHINAGAR, MASAB TANK,  
HYDERABAD-500028,  
TELANGANA STATE.

...APPELLANT

(BY SRI ASHISH KRUPAKAR, ADVOCATE)

**AND:**

SURAPANENI VISHNU CHAITANYA,  
S/O LATE S. BHANU,  
AGED ABOUT 39 YEARS,  
R/AT KPR ELITE, FLAT NO.A-103,  
KASAVANAHALLI MAIN ROAD,  
BESIDE ANDHRA BANK,

SARJAPUR ROAD,  
BENGALURU-560035.

...RESPONDENT

(BY SRI G.S. MANJUNATH, ADVOCATE)

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THIS MISCELLANEOUS FIRST APPEAL IS FILED UNDER SECTION 19(1) OF THE FAMILY COURTS ACT, AGAINST THE JUDGMENT AND DECREE DATED 10/06/2019, PASSED IN M.C. NO.162/2014, ON THE FILE OF THE VI ADDITIONAL PRINCIPAL JUDGE, FAMILY COURT, BENGALURU, ALLOWING THE PETITION FILED UNDER SECTION 13(1) (ia) OF THE HINDU MARRIAGE ACT.

THIS MISCELLANEOUS FIRST APPEAL COMING ON FOR ORDERS THIS DAY, **B.VEERAPPA J.**, DELIVERED THE FOLLOWING:

### **J U D G M E N T**

The appellant/wife filed the present Miscellaneous First Appeal against the Judgment & Decree dated 10<sup>th</sup> June 2019 made in M.C. No.162/2014 on the file of the VI Addl. Prl. Judge, Family Court, Bangalore, allowing the petition filed by the respondent/husband under the provisions of Section 13(1)(i-a) of the Hindu Marriage Act.

2. When the matter came up before this Court on 8<sup>th</sup> November 2021, both the parties agreed for settlement and respondent/husband agreed to pay a sum of Rs.25,00,000/- to the

minor daughter and Rs.15,00,000/- to the appellant/wife as permanent alimony and the matter was adjourned to file compromise petition.

3. Today, learned counsel for the parties filed memorandum of compromise petition under Order 23 Rule 3 of the Code of Civil Procedure, in the open Court. The same is duly signed on each and every page by the appellant/wife as well as the respondent/husband. The compromise petition is also duly signed by learned counsel for the parties.

4. The memorandum of compromise petition dated 30.11.2021, is placed on record.

5. The appellant/wife and the respondent/husband have settled the matter out of their free will and volition by agreeing to dissolve their marriage on below mentioned terms:

- i) The respondent has totally paid a sum of Rs.40,00,000/- as permanent alimony, out of which, Rs.15,00,000/- (Rupees fifteen lakhs only) paid to the appellant as permanent alimony

and Rs.21,86,356/- (Rupees twenty-one lakhs eighty-six thousand three hundred and fifty-six only) by way of Demand Draft and Rs.3,13,644/- (Rupees three lakhs thirteen thousand six hundred and forty-four only) by way of deposit in 'Sukanya Samruddhi Yojana Scheme' (through ICICI bank) invested by respondent in the name of his minor daughter - 'Surapaneni Lasya Priya', in total Rs.25,00,000/- paid as permanent alimony to minor daughter. The appellant had opened account bearing No.4791056215 and the appellant shall take steps to close the said account. The respondent has no objection for the same.

- ii) The permanent alimony of Rs.21,86,356/- (Rupees twenty-one lakhs eighty-six thousand three hundred and fifty-six only) paid by the respondent to his minor daughter - 'Surapaneni Lasya Priya' shall be kept in Fixed Deposit in any Nationalized Bank or Post Office till she attains the age of 18 years and the appellant shall furnish copy of the Fixed Deposit Certificate to the respondent. As agreed between the parties, appellant shall be the guardian and nominee to the said Fixed Deposit and appellant is entitled to withdraw the periodical interest once in three

months for the maintenance and educational expenses of the minor daughter – 'Surapaneni Lasya Priya'.

- iii) Today, the respondent has paid permanent alimony amount of Rs.15,00,000/- (fifteen lakhs only) to the appellant by way of Demand Draft bearing No.874602 dated 29.11.2021 drawn on State Bank of India, RBI lay-out, J.P. Nagar Branch, Bangalore payable at Hyderabad as full and final settlement for the past, present and future and appellant acknowledges the receipt of the same.
- iv) Today, the respondent paid permanent alimony of Rs.21,86,356/- (Rupees twenty-one lakhs eighty-six thousand three hundred and fifty-six only) to his minor daughter – 'Surapaneni Lasya Priya' by way of Demand Draft bearing No.874603 dated 29.11.2021 drawn on State Bank of India, RBI lay-out, J.P. Nagar Branch, Bangalore payable at Hyderabad drawn in favour of minor daughter – 'Surapaneni Lasya Priya' as full and final settlement for the past, present and future and the appellant acknowledges receipt of the same on behalf of minor daughter – 'Surapaneni Lasya Priya'. Copy of the statement of 'Sukanya Samruddhi Yojana Scheme' under Account

No.000219001200 for Rs.3,13,644/- (Rupees three lakhs thirteen thousand six hundred and forty-four only) made in the name of minor daughter, which is in force is furnished to the appellant today along with pass book issued by the ICICI bank. In total, respondent paid permanent alimony of Rs.25,00,000/- (Rupees twenty-five lakhs only) to his minor daughter, as full and final settlement for the past, present and future.

- v) The respondent shall hand over Maruti Suzuki Alto Car bearing No.AP-16 BB-6282 (in running condition) and its original R.C. and other papers to the appellant which stand in the name of appellant's father viz., P. Narayan Naidu within 15 days from the date of judgment in the present Miscellaneous First Appeal.
- vi) The appellant undertakes not to claim any amount in future, either in the form of maintenance or in any other form for support to herself or for her minor daughter - 'Surapaneni Lasya Priya'. Appellant undertakes that she will not file any suit on behalf of her and on behalf of minor daughter against her father i.e., respondent or against her grand-mother in

respect of movable or immovable properties in future.

- vii) The appellant agreed to withdraw her complaint in Crime No.76/2014 filed against the respondent and Surapaneni Padmavathi which is numbered as C.C. No.304/2014, pending before XII Addl. Chief Metropolitan Magistrate, Hyderabad. Further, the respondent shall withdraw G & W Case No.332/2015 filed against appellant seeking guardianship and custody of the minor daughter – 'Surapaneni Lasya Priya' which is pending before 4<sup>th</sup> Addl. Principal Judge, Family Court, Bangalore.
- viii) The minor daughter – 'Surapaneni Lasya Priya' is currently residing at Hyderabad with appellant. It is mutually agreed between the appellant and respondent that respondent is entitled to exercise his visiting right and may visit his daughter once in two months on 2<sup>nd</sup> Sunday at KBR National Park at Hyderabad, where he can meet his daughter between 10 a.m. to 5 p.m. with prior intimation. Appellant has agreed to cooperate and will facilitate exercise of his visiting right by keeping 'Surapaneni Lasya Priya' present as agreed mutually in places as stated supra till minor - Lasya Priya attains 18 years.

- ix) It is further agreed between the parties that if respondent is unable to meet his daughter, respondent shall be allowed to meet his daughter through video call and appellant shall make suitable arrangement for the same.
- x) During visitation hours i.e., between 10.00 a.m. to 5.00 p.m., both appellant and her parent shall not interfere with joyful movement of respondent with his minor daughter - Surapaneni Lasya Priya. However, appellant or her parents will be present.
- xi) Appellant and her parent shall not object while respondent hand over toys, chocklet, cloth/s or any gift/s to his daughter - 'Surapaneni Lasya Priya' during visiting hour.
- xii) On every Birthday of 'Surapaneni Lasya Priya', appellant or her parent shall permit respondent to wish his daughter through video call, mobile whatsapp call either in the morning or in the evening for 5 to 10 minutes.
- xiii) Respondent shall not violate the duration of visiting hour beyond the fixed time of 10.00 am. to 5.00 p.m. and hand over minor - 'Surapaneni Lasya Priya' safely into the custody of appellant or her parent, whoever brought the child to the visitation spot.



- xiv) Appellant or her parents shall not indulge in any kind of brainwashing minor daughter - Surapaneni Lasya Priya's mind against the respondent. Similarly respondent and his parent shall not indulge in any behaviour that is harmful to the interest of the minor child.
- xv) Appellant who is having physical custody of the minor daughter - 'Surapaneni Lasya Priya' shall continue to hold custody. In case of change of present resident address or school of minor daughter, then the appellant has to intimate to the respondent well in advance through e.mail or WhatsApp message.
- xvi) Both the parties have agreed to withdraw all allegations that they have made against each other in their respective pleadings in all the cases filed against each other.
- xvii) With this settlement, appellant and respondent declare that they do not have any mutual claim either in past, present and future between themselves either in respect of moveable or immovable properties and that with these terms all matrimonial, jural, financial, material or any other relationship that they may have against each other has been severed completely and conclusively. It is also agreed to between the

parties that in view of this settlement, they should not interfere with each other's personal life in any manner either orally, written, telephonically or through e.mail, social network and disrupt each other's life. Contact between appellant and respondent is restricted to intimation about visitation right through e.mail and whatsApp message only.

6. In view of the above settlement, both the appellant and the respondent pray that their marriage dated 2.6.2010 solemnized at Sri Lakshmi Narasimha Swamy Temple, Ahobilam, Karnool district, Andhra Pradesh as per Hindu custom, be dissolved by a judgment and decree of divorce.

7. Both the parties submit that they have settled the matter voluntarily out of their free will and without any coercion. The said submission is placed on record.

8. In view of the above, the impugned judgment & decree passed by the Family Court is confirmed. The marriage solemnized between the appellant and the respondent on 02.06.2010 at Sri Lakshmi Narasimha Swamy Temple, Ahobilam,

Karnool district, Andhra Pradesh, is hereby dissolved by granting decree of divorce, in terms of the settlement arrived at between the parties as per the compromise petition.

Accordingly, the Miscellaneous First Appeal is **disposed off**, in terms of the compromise petition dated 30.11.2011. Office is hereby directed to draw the decree accordingly. Compromise Petition dated 30.11.2011 shall be made part and parcel of the decree.

**Sd/-  
JUDGE**

**Sd/-  
JUDGE**

Gss\*