

(2005) 08 AP CK 0013

Andhra Pradesh High Court

Case No: C.M.A.M.P. No. 1610 of 2005 and CMA No. 755 of 2005

Katta Naga Malleshwari

APPELLANT

Vs

Katta Vasantha Rao

RESPONDENT

Date of Decision: Aug. 22, 2005

Citation: (2005) 6 ALT 698

Hon'ble Judges: G. Rohini, J; D.S.R. Varma, J

Bench: Division Bench

Advocate: P.S. Manjula Kumar, for the Appellant; Party-in-Person, for the Respondent

Final Decision: Allowed

Judgement

D.S.R. Varma, J.

Heard the learned Counsel appearing for the petitioner/appellant.

2. CMAMP No. 1610 of 2005 is filed by the petitioner/appellant to condone the delay of 3432 days in filing the appeal.

3. The grounds in brief as stated in the affidavit filed by the appellant are that subsequent to the judgment and decree passed by the trial Court dissolving the marriage between the parties to the O.P. No. 127 of 1994, there was settlement outside the Court and accordingly both the parties started living together since 1999.

4. The respondent/husband to this appeal is physically present before the Court and he also filed an affidavit stating inter alia that

"It is submitted that in the year 1999 we have realized that there is no meaning in leading lonely life and suffering the only child. Ultimately we settled our differences and have decided to live together. After our reunion we had a son in the year 2000 where in my wife's medical record I have clearly mentioned fatherhood of our newborn son and till date all the records were established as any normal family.

It is submitted that, I confess that I wish to live with my wife and children as any other normal family for the sake of the reputation and children's future and lead a respectable life in the society".

5. The appellant who is also physically present before the Court today, acknowledged the above statement made by her husband and further reported to the Court that she has been living with her husband without any dispute and she is willing to continue the same relationship in future also.

6. From the above respective statements made by the wife and husband, it is clear that the spouses are living together without any further differences and they are willing to continue to be as wife and husband in future.

7. Having regard to the facts and circumstances of the case, and in order to give a quietus-to the litigation for ever, we are inclined to condone the delay in filing the appeal and accordingly the delay is condoned.

8. However, in view of the explicit statement made by the respondent/husband and as well acknowledged by the appellant, there remains nothing for adjudication in this appeal. Consequently, the decree passed by the Court below in OP No. 127 of 1994 is liable to be set aside and accordingly set aside.

9. In the result, the appeal is allowed. No order as to costs.