



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3311]

Tuesday, the Twenty First day of April
Two Thousand and Twenty Six

Present

The Honourable Ms. Justice B. S. Bhanumathi

Civil Revision Petition No: 2835 of 2025

Between:

Kunchapu Hari Chandana

...Petitioner

and

Repana Jayachandra

...Respondent

Counsel for the petitioner:

1.O. Udaya Kumar

Counsel for the respondent:

1.P. Madhukar Reddy

The Court made the following:

ORDER:

This revision petition is filed under Article 227 of the Constitution of India against the order dated 16.09.2025 dismissing I.A. No. 100 of 2025 in F.C.O.P. No. 41 of 2024 on the file of the Court of Judge, Family Court-cum-VII Additional District Judge, Ananthapuramu filed by the petitioner under Order XXIII, Rule 1(3) C.P.C. to permit the petitioner to withdraw the main petition and to enable her to settle the matter with the respondent as per the terms and conditions of the compromise.

2. The petitioner stated that she entered into compromise with the respondent after filing the cases under criminal law and D.V.C. and that the respondent agreed to pay Rs.1 Crore as permanent alimony, marriage expenses and damages and return Rs.20 lakhs besides 40 tulas of gold and that the entire agreed amount shall be paid by the respondent at the time of evidence in divorce petition to be filed by the petitioner.

3. She further stated that she had received 20 lakhs and 40 tulas of gold, but contended that the respondent failed to pay the remaining amount of Rs.1 Crore as per terms of agreement and again he is trying to cheat the petitioner. It is also stated by her that, believing the respondent, the petitioner compromised with the respondent in D.V.C. and criminal case and that without consent of the petitioner, the respondent filed H.M.O.P. No. 25 of 2023 before the Court of Civil Judge (Senior Division), Rayachoty in collusion with the previous counsel for the petitioner. She further stated that her previous counsel filed a false counter in H.M.O.P. No. 25 of 2023. At this juncture, she filed the impugned petition before the trial Court.

4. The respondent filed a counter opposing the petition, denying the averments in the petition, including the term in the agreement to pay Rs.1 Crore additionally.

5. After hearing both the parties, the trial Court dismissed the petition observing that the petitioner wants to withdraw the petition to make wrongful gain and harass the respondent and further that withdrawal of the petition for non-payment of balance amount would amount to abuse of process of Court. Aggrieved by the order, this revision petition was filed.

6. Though both the parties were directed to appear before this Court on 09.04.2026, only the respondent appeared before this Court, but the petitioner has not appeared.

7. Heard the learned counsels for both the parties.

8. The learned counsel for the petitioner reiterated the request for withdrawal of the F.C.O.P. before the trial Court.

9. The learned counsel for the respondent, while reiterating the stand that there was no agreement to pay additional amount of Rs.1 Crore and that the amount agreed to be paid as per the terms of the contract had already been paid, submitted that he has no objection to allow the revision petition and also the interim application in I.A. No. 100 of 2025, but liberty may be given to the respondent to pursue the remedy of getting the O.P. filed by the respondent seeking divorce, since it was withdrawn pursuant to the terms of compromise and later the petitioner herein has turned her back giving a go by to the terms of agreement to get their marriage dissolved by a decree of divorce on a petition filed by him.

10. Under the above circumstances, since both the parties agreed for withdrawal of F.C.O.P. No. 41 of 2024 and no purpose would be served

by keeping the petition pending as the petitioner herself is not inclined to proceed with the relief, the trial Court erred in dismissing the petition.

11. It is not even the case of the petitioner that the terms of compromise shall be recorded as part of the proceedings withdrawing the petition in F.C.O.P. No. 41 of 2024, nor is there any request to permit filing of a fresh case.

12. In the result, the civil revision petition is allowed and the impugned order in I.A. No. 100 of 2025 is set aside and the petition therein is allowed. The respondent is at liberty to pursue his legal remedies available as the withdrawal of F.C.O.P. No. 41 of 2024 has no adverse effect on a case on merits in any way in other proceedings, if any. No costs.

Interim orders granted earlier, if any, shall stand vacated.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE B. S. BHANUMATHI

Dated: 21.04.2026
NSM

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The Honourable Ms. Justice B.S.Bhanumathi**Civil Revision Petition No: 2835 of 2025**

Dated: 21.04.2026
NSM