

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

THURSDAY ,THE TWENTIETH DAY OF MARCH

TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE SRI JUSTICE T MALLIKARJUNA RAO

IA No. 2 OF 2025

IN

CRLRC NO: 364 OF 2025

Between:

Vemula Venkateswara Rao, S/o. Late Vemula Narayana, aged about 62 years, Occ. Retired Government Employee, R/o. Anjaneya Apartment, Rythupet, Nandigama, NTR District, A.P.

...Petitioner/Respondent

(Petitioner in CRLRC 364 OF 2025

on the file of High Court)

AND

1. Vemula Seetha Maha Lakshmi, W/o. Vemula Venkateswara Rao Aged about 59 years, Occ. House-wife, R/o. D.N.o 41-9-28, Ramalayam Street, Naidupet, Krishna Lanka, Vijayawada, NTR District, A.P.

Respondent/Petitioner

2. The Divisional Panchayat Raj Officer, Kankipadu, Krishna District, A.P.

...Respondent/Garnishee

(Respondents in-do-)

Counsel for the Petitioner : SRI M KISHORE BABU

Counsel for the Respondent :--

Petition under Section 397 (1) of Cr.P.C., praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the 2nd Respondent/Garnishee to release the



monthly Pension and other retirement benefits, which are eligible to the Petitioner immediately, Pending disposal of CRLRC No. 364 of 2025, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order.(The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER

“Learned counsel for the petitioner submits that in the impugned order dated 20.11.2024, learned Judge, Family Court, Vijayawada withheld the retirement benefits of the petitioner/respondent herein. As seen from the contents of the petition, the petitioner retired as Junior Assistant in Panchayatraj Department on 31.10.2024. On the date of retirement the District Panchayat Officer settled his account which are payable to the petitioner/respondent i.e. earned leave, gratuity, commuted salary, leave salary and arrears of salary which are attachable under law have to payable to the petitioner/respondent a sum of Rs.70,00,000/- on the date of retirement. As seen from the orders passed in CrI.M.P.No.1084/2024 in FCOP (MC) No.529/2023, the Family Court allowed the petition in part by granting interim maintenance of Rs.10,000/- per month to the petitioner from the date of the petition.

It is submitted on behalf of the petitioner that the respondent therein is liable to pay interim maintenance as per the above said order from 22.9.2023 to 22.02.2025 at Rs.10,000/- per month and he pay an amount of Rs.60,000/- to the petitioner therein out of Rs.1,70,000/-. It seems that no document has been filed showing the payment of Rs.60,000/- as stated by the learned counsel for the petitioner. Even the date of filing of CrI.M.P.No.1084/2024 is also not referred. However learned Judge, Family Court with held the retirement benefits of the petitioner which amounts to a sum of Rs.70,00,000/- on the date of

retirement. It is submitted that the petitioner is now taking bed rest for ill health as he has undergone throat surgery and he discharged from hospital on 05.02.2025 and petitioner needs his pension and other benefits for his survival. ✓

Upon careful reading of the order impugned, this Court find that the interim maintenance awarded by the Family Court may not exceed Rs.2,00,000/-. However to safeguard the interests of both the parties, the Garnishee is directed to retain an amount of Rs.10,00,000/- only from the retirement benefits of the petitioner and release all other retirement benefits to the petitioner." ✓

//TRUE COPY//

SD/- M.PRABHAKARA RAO
ASSISTANT REGISTRAR

Fo

SECTION OFFICER

To,

1. The XIV Additional District & Sessions Judge cum Judge, Addl Family Court, Vijayawada ✓
2. Vemula Seetha Maha Lakshmi, W/o. Vemula Venkateswara Rao Aged about 59 years, Occ. House-wife, R/o. D.N.o 41-9-28, Ramalayam Street, Naidupet, Krishna Lanka, Vijayawada, NTR District, A.P. ✓
3. The Divisional Panchayat Raj Officer, Kankipadu, Krishna District, A.P.(2 & 3 By RPAD) ✓
4. One CC to SRI. M KISHORE BABU Advocate [OPUC] ✓
5. One spare copy

HIGH COURT

TMR,J

DATED:20/03/2025

LIST THE MATTER AFTER THREE (3) WEEKS.

ORDER

IA No. 2 OF 2025

IN

CRLRC NO: 364 OF 2025

DIRECTION

