

HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

MAIN CASE: **C.R.P.Nos.1286, 1138 & 1139 of 2026**

PROCEEDING SHEET

SL. No.	DATE	ORDER	OFFICE NOTE
	1.05.2026	<u>RNT,J</u> Heard Sri G.Venkata Reddy, learned counsel for the petitioner. 2. In all the three Civil Revision Petitions, the petitioner and the respondents are the same. 3. The petitioner is the husband of the 1st respondent and the father of the 2nd respondent/daughter. 4. F.C.O.P. No.1515 of 2025 has been filed by respondent No.1/wife seeking maintenance from the petitioner under Sections 18 and 20 of the Hindu Adoption and Maintenance Act, and the same is pending. 5. The respondent No.1/wife filed I.A. No.815 of 2025 under Order 38 Rule 5 read with Section 151 of the Code of Civil Procedure, 1908,(in short 'CPC') seeking a direction to the husband to furnish security to the extent of Rs.15,00,000/- towards past and future maintenance, and also to effect attachment. 6. Upon consideration of the submissions made by both sides, the learned Trial Court allowed the application by order dated 09.12.2025. The relevant portion reads as under: <i>“In the result, the petition is allowed. Issue Pro-order to the Garnishee lie., 1) The Commanding Officer, C/o 99 APO, Gopalpur, Oodish Pin 308803 and 2) The Commanding Officer, 129 AD Regiment Ci S6 APO Pln-</i>	(cont.)

SL. No.	DATE	ORDER	OFFICE NOTE
		<i>26129. Nabagram West Bengal to attach the retirement benefits of the respondent i.e., Nagiseti Santhosh Kumar, S/o Appala Naidu, Working as Havildar, No 15792467F, joined at Sena Vayu Raksha Abhilekn, Army Air Defence Records, Pin-908803 (AD Records), C/o 99 APO, Gopalpur, Odish and presently working at Commanding Officer, 129 AD Regiment C/o 56 APO Pin-926129, Nabagram West Bengal in the event of his retirement to a tune of Rs.15,00,000/- subject to Sec.60 of C.P.C., on payment, of process.”</i> 7. Challenging the order dated 09.12.2025, C.R.P.No.1286 of 2026 has been filed by petitioner/husband. 8. In the same F.C.O.P. No.1515 of 2025, the respondent No.1/wife also filed I.A. Nos.181 and 182 of 2026 seeking directions to freeze the petitioner’s bank accounts and to direct the garnishee, i.e., the Commanding Officer, to pay half of the pension amount to the wife and daughter (respondent Nos.1 and 2). The said applications were allowed by order dated 26.02.2026. The relevant portions read as under: <u>I.A.No.181 of 2026 :</u> <i>“09. In the result, petition is allowed directing the the Branch Manager, State Bank of India, Gopalapatnam Branch, Main Road, Gopalapatnam, Visakhapatnam to freeze the account Nos i.e., 1) 20008364029 and 2) 30311751203 stands in the joint names of 1) Nagiseti Santosh Kumar and 2) Mrs Nagiseti Gnaneswari (joint account) on payment of process.”</i>	

SL. No.	DATE	ORDER	OFFICE NOTE
		<u>I.A.No.182 of 2026:</u> <i>“09. In the result, petition is allowed directing the Garnishee 1) The Commanding Officer, C/o 99 APO, Gopalpur, Odish Pin-908803 and 2) The Commanding Officer, 129 AD Regiment C/o 56 APO Pin-926129, Nabagram West Bengal and 3) Commandant Army AD Centre, Gopalpur, Military Station, Pin - 908 801 C/o 99 APO to pay half of the pension amount, from out of the pension amount payable to the respondent to the petitioners 1 & 2.”</i> 9. Challenging the orders dated 26.02.2026 in I.A. Nos.181 and 182 of 2026, C.R.P.Nos.1138 and 1139 of 2026 have been filed by petitioner/husband. 10. Learned counsel for the petitioner submits that the impugned orders could not have been passed, as the retirement benefits of the petitioner, who has recently retired from the Army, are not liable for attachment. He further submits that a letter to that effect was addressed by the Commanding Officer of the concerned Regiment. He submits that the directions issued to the garnishee to pay a portion of the retirement benefits to the respondents, as well as the attachment of the petitioner's bank accounts, are unsustainable in law. 11. Learned counsel further submits that, as on date, neither any order of maintenance nor any interim maintenance has been granted in favour of the wife or daughter. He submits that a criminal complaint has been lodged against the petitioner, which is the subject matter of Cr. No.15 of 2026 on the file of Mahila Urban Police	

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		Station, Visakhapatnam, for the offence under Section 85 of the Bharatiya Nyaya Sanhita, 2023, and the same is pending. 12. The matter requires consideration. 13. Issue notice to the respondents. 14. In addition to the normal mode of service, the petitioner is permitted to take out personal notice to the respondents by registered post and acknowledgment due and to file proof of service in the Registry before the next date of listing. 15. List on 03.07.2026 16. Till the next date of listing, the impugned orders under challenge in these petitions shall remain stayed, subject to the following conditions: <i>(i) The petitioner shall pay a sum of Rs.10,000/- (Rupees ten thousand only) to respondent No.1/wife and a sum of Rs.5,000/- (Rupees five thousand only) to respondent No.2/daughter towards interim maintenance, every month;</i> <i>(ii) The amounts as above, shall be deposited before the learned trial Court from this month onwards, and the first deposit shall be made within three (03) days from the date of receipt of a copy of this order, and the subsequent monthly deposits by 7th day of every month ;</i>	

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		<i>(iii) Upon such deposit, the learned trial Court shall release the amounts in favour of respondent Nos.1 and 2 (wife and daughter);</i> <i>(iv) On proof of such deposit and release being furnished before the concerned bank, the bank shall lift the freeze/attachment over the petitioner's account(s), and shall allow the account operation ;</i> <i>(v) However, the petitioner shall maintain a reasonable balance in the bank account(s) to ensure regular payment of the interim maintenance amount as directed.</i> <i>(vi) The aforesaid interim arrangement shall be without prejudice to the rights of the parties in the pending proceedings before the learned Family Court;</i> <u>RNT,J</u> RPD	

