

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

WEDNESDAY, THE TWENTY FIFTH DAY OF SEPTEMBER

TWO THOUSAND AND TWENTY FOUR

:PRESENT:**THE HONOURABLE SRI JUSTICE P.SAM KOSHY****AND****THE HONOURABLE DR. JUSTICE G.RADHA RANI****CMA NO: 252 OF 2022****Between:**

Nemmadi Lalitha, W/o Nemmadi Upender

Appellant/Respondent**AND**Nemmadi Upender S/o Kanakaiah, Occ. Govt. Teacher, R/o Thadvai
Village, Munagala Mandal Nalgonda District.**Respondent/Petitioner**

Appeal under Section 55 of Indian Divorce Act 1869, praying that in the circumstances stated in the grounds filed in the Civil Miscellaneous Appeal, the High Court may be pleased to set aside the order and decree passed in Special Marriage OP.No.14 of 2021 dated 29/04/2022 on the file of II Additional District Judge, Suryapet and the OP filed by the respondent.

IA NO: 2 OF 2022

Petition under Section 151 of C.P.C praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend operation of the order and decree passed in O.P.No.14 of 2021 dated 29-04-2022 on the file of II Additional District Judge, Nalgonda at Suryapet, in so far as granting divorce is concerned, Pending disposal of CMA No.252 of 2022, on the file of the High Court.

The Appeal coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and the order of the High Court order dated 20.06.2024 made in IA No.2 of 2022, 20.07.2022, 10.10.2022, 17.10.22, 21.10.2022, 28.11.2022, 12.12.2022, 31.01.2023, 14.02.2023 made in C.M.A and upon hearing the arguments of Sri G SUNDARESAN Advocate for the Appellant, Sri S.Dinesh, Advocate rep. for SRI PALLE NAGESWAR RAO Advocate for the Respondent, the Court made the following.

ORDER

Heard Mr.G.Sundaresan, learned counsel for the appellant and Mr.S.Dinesh, learned counsel appearing on behalf of Mr.Palle Nageshwar Rao, learned counsel for the respondent.

The instant is an appeal filed challenging the order dated 29.04.2022, passed in Special Marriage O.P.No.14 of 2021, by the II Additional District Judge Nalgonda, at Suryapet.

Vide the said impugned order, the trial court had allowed the petition filed by the respondent/husband under Section 10 of the Indian Divorce Act, dissolving the marriage between the petitioner and the respondent which held on 14.12.2011.

It is this judgment and order of the trial court which is under challenge.

While allowing the O.P., the trial court awarded an amount of Rs.3,00,000/- towards permanent alimony.

Pending the appeal, today when the matter is taken up for hearing, learned counsel for the appellant made an oral request that down the line, the appellant herein the wife has detected of suffering from cancer and for which she is in urgent need of monetary assistance. Therefore, the appellant prayed for release of the said amount to the appellant without prejudice to her rights and claim in the appeal.

Learned counsel appearing for the respondent did not oppose the same.

In view of the said facts and circumstances of the case, the amount of Rs.3,00,000/- which the respondent have deposited before the trial court be permitted to release to the appellant. However, it is clarified that the release of the said amount would not in any manner prejudice the interest of the appellant in the present appeal.

List this appeal in its usual course.

//TRUE COPY//

SD/- T.TIRUMALA DEVI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The II Additional District Judge, Nalgonda at Suryapet
2. One CC to SRI G SUNDARESAN Advocate [OPUC]
3. One CC to SRI PALLE NAGESWAR RAO Advocate [OPUC]
4. Two spare copies

HIGH COURT

**PSK,J
&
GRR,J**

DATED:25/09/2024

ORDER

CMA.No.252 of 2022



DIRECTION