

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.6352 OF 2004

CHINTALA SYAMALA

....APPELLANT

VERSUS

CHINTALA VENKATA SATYANARAYANA RAO

....RESPONDENT

O R D E R

This is an appeal for setting aside judgment dated 4.4.2003 of the Division Bench of Andhra Pradesh High Court whereby it allowed AAO No.1745 of 1997 filed by the respondent under Section 19(1) of the Family Courts Act, 1984 and granted decree of divorce on the ground of desertion.

The respondent had filed petition under Section 13(1)(i),(ia) and (ib) of the Hindu Marriage Act for dissolution of marriage on the grounds of cruelty, adultery and desertion. The trial Court dismissed the petition holding that none of the three grounds has been proved. The High Court upheld the findings recorded by the trial Court on the issues of cruelty and adultery but reversed the one relating to the plea of desertion raised by the respondent.

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We have heard learned counsel for the parties at length and gone through the records. In our opinion, the High Court did not commit any error by granting the decree for divorce but, at the same time, we are convinced that the High Court should have made provision for permanent alimony and marriage of Navatha, second daughter of the parties.

In the facts and circumstances of the case, we feel that ends of justice will be served by directing the respondent to pay a sum of Rs.8 lacs to the appellant (Rs.5 lacs by way of permanent alimony and Rs.3 lacs towards expenses of the marriage of the second daughter).  
accordingly.

Ordered

The respondent shall pay the aforesaid amount in four installments in the form of account payee demand draft prepared in the name of the appellant-wife.  
installment shall be paid on or before 20.4.2010, the second installment shall be paid on or before 20.7.2010, the third installment shall be paid on or before 20.10.2010 and last installment shall be paid by 2.3.2011.

The first

Longer

time has been fixed for payment of last installment in view  
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of the statement made by Shri R.K. Kapoor that his client will be retiring from service on 28.2.2011.

The appeal is disposed of in the manner indicated above. It is needless to observe that if the respondent fails to pay any of the four installments, he will make himself liable to be punished under the Contempt of Courts Act, 1971. In that event, the Court may also direct the departmental authorities to proceed against him.

.....J.  
(G.S. SINGHVI)

.....J.  
(ASOK KUMAR GANGULY)

NEW DELHI,  
JANUARY 20, 2010.

CIVIL APPEAL NO(s). 6352 OF 2004

CHINTALA SYAMALA

Appellant (s)

VERSUS

CHINTALA VENKATA SATYANARAYANA RAO

Respondent(s)

(With office report )

Date: 20/01/2010 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI  
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Appellant(s) Mr. D. Rama Krishna Reddy, Adv.  
For Mrs.D. Bharathi Reddy,A.O.R.

For Respondent(s) Mr. R.K. Kapoor, Adv.  
Mr. Harish Chandra Pant, Adv.  
Mr. Romil Pathak, Adv.  
For Mr. Anis Ahmed Khan,A.O.R.

UPON hearing counsel the Court made the following  
O R D E R

The appeal is disposed of in the manner indicated in the signed order. It is needless to observe that if the respondent fails to pay any of the four installments, he will make himself liable to be punished under the Contempt of Courts Act, 1971. In that event, the Court may also direct the departmental authorities to proceed against him.

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(A.D. Sharma) (Mithlesh Gupta)  
Court Master Court Master  
(Signed Order is placed on the file)