

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

CIVIL APPEAL NO. 6352 OF 2004

CHINTALA SYAMALA

Appellant (s)

VERSUS

CHINTALA VENKATA SATYANARAYANA RAO

Respondent(s)

(With appln(s) for exemption from filing O.T. and office report)

Date: 22/02/2006 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE A.K. MATHUR

HON'BLE MR. JUSTICE DALVEER BHANDARI

For Appellant(s)

Mr. D. Ramakrishna Reddy,Adv.

Mr. Ch. L. Sarveswar,Adv.

Mrs. D. Bharathi Reddy,Adv.

For Respondent(s)

In-person

UPON hearing counsel and res.in-person, the Court made the following

O R D E R

as the Heard learned counsel for the appellant as well  
respondent, who is appearing in-person.

The appeal is disposed of.

There will be no order as to costs.

[ Alka Dudeja ]

[ Om Prakash ]

Court Master

Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6352 OF 2004

Chintala Syamala

...Appellant(s)

Versus

Chintala Venkata Satyanarayana Rao

...Respondent(s)

O R D E R

Heard learned counsel for the appellant as well as the  
respondent, who is appearing in-person.

The respondent filed a petition for grant of decree for  
divorce on the ground of cruelty, adultery and desertion. The

trial court dismissed the petition holding that none of the three grounds was proved. Against the said order when an appeal was preferred by the respondent before the High Court, by the impugned order, a decree for divorce has been granted on the ground of desertion. Hence, this appeal by special leave.

Having heard the parties at length, we are of the view that the High Court has not committed any error in granting decree for divorce on the ground of desertion, but we are of the view that no provision has been made in the impugned order either with respect to permanent alimony or with respect to the marriage of Navatha, second daughter of the parties. The respondent stated

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before this Court that he undertakes to pay a sum of Rs.Eight lacs to the appellant-wife, i.e., Rs.Five lacs by way of permanent alimony and Rs.Three lacs towards expenses of marriage of the said second daughter. The said amount shall be paid by Account Payee Demand Drafts in the name of the appellant-wife. The respondent stated that out of the aforesaid amount of Rs.Eight lacs, a sum of Rs.Four lacs shall be paid by 31st August, 2006 and the balance amount of Rs.Four lacs will be paid by 30th April, 2007. Let the respondent pay the aforesaid amount

accordingly. It has been stated by the respondent that a criminal case under Sections 448 and 379 of the Indian Penal Code is pending against his brother-Vijay Kumar, bearing C.R.No. 719 of 2003, which is pending in the Court of IIIrd Metropolitan Magistrate, Vijayawada. In view of the aforesaid facts, the criminal prosecution of Vijay Kumar in the aforesaid case is hereby quashed. It has been stated by the respondent that his brother Vijay Kumar has filed Original Suit No. 3134 of 2003, which is pending in the Court of First Additional Junior Civil Judge, Vijayawada, which shall be withdrawn by his brother Vijay Kumar. It is directed that the said civil suit shall stand withdrawn.

With the aforesaid directions, the appeal is disposed of.

There shall be no order as to costs.

.....J.

[B.N. AGRAWAL]

.....J.

[A.K. MATHUR]

.....J.

[DALVEER BHANDARI]

New Delhi,

FEBRUARY 22, 2006.