

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

Petition(s) for Special Leave to Appeal (Crl.) No. 3557/2013

(Arising out of impugned final judgment and order dated 29/08/2012 in CRLP No. 5446/2010 passed by the High Court Of A.P. At Hyderabad)

B.V. PADMAVATHI

Petitioner(s)

VERSUS

B. RAJYA LAKSHMI & ORS.

Respondent(s)

(With appln. (s) for stay)
(For final disposal)

Date : 13/04/2016 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE R.K. AGRAWAL

For Petitioner(s)

Mr. Y. Raja Gopala Rao, Adv.
Mr. K. Sharat Kumar, Adv.
Mr. Y. Vismai Rao, Adv.

For Respondent(s)

Mr. S. Udaya Kumar Sagar, Adv.
Mr. Krishna Kumar Singh, Adv.

Mr. D. Mahesh Babu, Adv.

Mr. Suyodhan Byrapaneni, Adv.
Ms. Lovely Kumari Singh, Adv.
Ms. Tatini Basu, Adv.

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

In a complaint case filed by the petitioner herein against her husband, parents-in-law and husband's uncles, the High Court, vide the impugned order, has quashed the proceedings insofar as the parents and uncles of the husband

are concerned. While doing so, the High Court has, *inter alia*, observed that the petitioner herein had filed petition under Section 9 of the Hindu Marriage Act, 1955, and in those proceedings, a categorical finding was recorded that the petitioner-wife has discarded the husband without any reasonable excuse and further, insofar as the aforesaid respondents are concerned, the petitioner has never resided with them.

Learned counsel for the petitioner submits that the High Court has ignored the fact that against the aforesaid judgment, appeal was filed which is still pending. Learned counsel for the petitioner further submits that he would not press the present petition against the uncles of the Husband, viz., respondent Nos. 3 and 4, as no chargesheet was filed against them. In view thereof, we grant leave.

The parties can file appropriate application for listing of this matter after the outcome of the pending appeal before the High Court is known.

(Nidhi Ahuja)
Court Master

(Tapan Kr. Chakraborty)
Court Master