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ITEM NO.40

COURT NO.3

SECTION XIIA

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

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).14721/2012
(From the judgement and order dated 10/02/2012 in FCA No.54/2009 of The
HIGH COURT OF A.P AT HYDERABAD)

G. RAGHUMALA DEVI

Petitioner(s)

VERSUS

P. SURENDRANATHA REDDY

Respondent(s)

(With appln(s) for permission to file additional documents and prayer for
interim relief and office report)

Date: 08/07/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE V. GOPALA GOWDA

For Petitioner(s)

Mr. Shail Kumar Dwivedi, Adv.
Mr. Gunnam Venkateswara Rao,AOR

For Respondent(s)

Ms. Srikala Gurukrishna Kumar, Adv.

UPON hearing counsel the Court made the following

O R D E R

The petition filed by the respondent for grant of divorce under Section 13(1)(ia) and (ib) of the Hindu Marriage Act, 1955 on the ground of mental cruelty and desertion was allowed by the Family Court vide judgment dated 13.2.2009. The appeal filed by the petitioner against the decree of divorce was dismissed by the High Court vide judgment dated 10.2.2012.

We have heard learned counsel for the parties and perused the record.

During the course of hearing, learned counsel for the respondent made a statement that after dissolution of marriage by the Family Court, his client contracted second marriage. This has not been controverted by the learned counsel for the petitioner.

In view of the above development, we do not consider it proper to upset the concurrent judgments of the Family Court and the High Court which resulted in grant of the decree of divorce to the respondent. At the same time, we feel that the respondent shall pay substantial amount to the petitioner by way of permanent alimony.

Learned counsel for the respondent gave out that her client is ready and willing to pay the amount which may be fixed by the Court. Learned counsel for the petitioner submitted that his client is agreeable to accept the amount of permanent alimony which may be determined by the Court.

In the facts and circumstances of the case, we direct the respondent to pay a total sum of Rs.20,00,000/-(Rs.twenty lacs) to the petitioner as permanent alimony in five installments. The first installment of Rs.3,00,000/-(three lacs) shall be paid to the petitioner by getting a demand draft prepared in her name from a nationalised bank. The second, third, fourth and fifth installments of Rs.3,00,000/-(three lacs), Rs.4,00,000/-(four lacs), Rs.5,00,000/-(five lacs) and Rs.5,00,000/-(five lacs) shall be paid to the petitioner on 15th January, 2014, 15th July, 2014, 15th January, 2015 and 15th July, 2015 respectively in the form of demand drafts prepared through nationalised bank.

It is made clear that if the respondent fails to pay two consecutive installments, the petitioner shall be free to file an appropriate application before this Court for initiation of

proceedings against him under the Contempt of Courts Act, 1971.

The special leave petition is disposed of in the manner indicated above.

It is made clear that after payment of the first installment of Rs.3,00,000/-(three lacs) on 15th July, 2013, the respondent shall not be required to pay monthly interim maintenance in terms of the direction given by the High Court.

| (Parveen Kr.Chawla)
| Court Master
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| | (Usha Sharma)
| | Court Master
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