

HON'BLE SRI JUSTICE R. SUBHASH REDDY

CRP NO.6242 OF 2009

-
09-03-2010

-

-

Between:

Bairi Yugender

... Petitioner

And

Bairi Radhika and others

... Respondents

Order:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed aggrieved by the order dated 29.10.2009, passed by the learned II Additional Senior Civil Judge, Warangal in I.A.No.500 of 2009 in O.S.No.356 of 2009.

2. The first respondent is the daughter of the petitioner. She, along with her mother, filed a suit in O.S.No.356 of 2009 claiming

maintenance from the petitioner, and also for a sum of Rs.8 lakhs towards the marriage expenses of the first respondent.

3. The petitioner was working as a Foreman in Northern Power Distribution Company Limited. On his retirement after attaining the age of superannuation, he is entitle to certain retiral benefits from the employer. At that point of time, the first respondent herein has filed I.A.No.500 of 2009 under order 38, Rule 5 of CPC seeking for attachment of the retirement benefits of petitioner. The court below has allowed said application, ordering attachment of the retirement benefits of petitioner herein, after exempting the amounts that are not liable for attachment under Section 60 CPC. Questioning the said attachment order, the petitioner has filed this Civil Revision Petition.

4. During the pendency of this revision, the parties have filed a joint memo, signed by the petitioner and respondent No.1, the petitioner herein has agreed to deposit a sum of Rs.1,50,000/- in the joint account of the petitioner and respondent No.1 in any mutually agreed bank, and that, the said amount shall be realized only on settlement of the marriage of first respondent, who is the daughter of the petitioner. Both the parties have agreed for disposal of this revision, in terms of the memo filed by them.

5. In that view of the matter, this revision is disposed of in terms of the joint memo, dated 08-03-2010, filed by the petitioner and 1st respondent. Accordingly, the order, dated 29.10.2009, passed by the learned II Additional Senior Civil Judge, Warangal in I.A.No.500 of 2009 in O.S.No.356 of 2009 is set aside. No order as to costs.

R. SUBHASH REDDY, J

9th MARCH 2010

TSNR/AJR