

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.12119 of 2015

ORDER:

The writ petition is filed by the petitioner seeking a writ of mandamus questioning the action of the second respondent in not disbursing the death benefits of the petitioner's husband as per the orders of the Court in O.P.No.292 of 2010, dated 15.12.2012, and made representation dated 19.02.2014 seeking to disburse the funds to the petitioner as per their claim as illegal and arbitrary and consequently direct the second respondent to consider the representation of the petitioner, dated 19.02.2014.

Heard and perused the records.

The case of the petitioner is that originally after the death of the husband of the petitioner herein, there was a dispute regarding the death benefits of the petitioner's husband between the petitioner herein and other persons. Thereafter, one Bellamkonda Saraswathi, claiming to be the first wife of Bellamkonda Mukunda Rao (died), has preferred O.P.No.292 of 2010 on the file of the Family Court-cum-IV Additional District and Sessions Judge, Vijayawada. During pendency of the said O.P., the parties among themselves settled the issues and the learned Sessions Judge recorded the compromise and passed orders accordingly. Thereafter, the petitioner, through her advocate, has communicated the said order to the second respondent requesting to disburse the death benefits of the husband of the petitioner as per the compromise entered into by the petitioner herein and the other persons in O.P.No.292 of 2010.

The main grievance of the petitioner herein is that though a legal notice, dated 19.02.2014, has been issued to the second respondent seeking disbursement of the death benefits of the husband of the petitioner herein, the second respondent has not taken any action for disbursement of the death benefits of the husband of the

petitioner herein, as per the compromise recorded in O.P.No.292 of 2010 on the file of the Family Court-cum-IV Additional District and Sessions Judge, Vijayawada.

In view of the above, the writ petition is disposed of with a direction to the second respondent to disburse the death benefits of the husband of the petitioner herein as per the compromise recorded in O.P.No.292 of 2010 on the file of the Family Court-cum-IV Additional District and Sessions Judge, Vijayawada, within a period of one month from the date of receipt of copy of this order.

The writ petition is accordingly disposed of. There shall be no order as to costs. Consequently, miscellaneous petitions, if any shall also stand disposed of.

JUSTICE RAJA ELANGO

23.04.2015
pln