

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.35518 of 2015

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30.10.2015

Between:

Smt.N.Prameela and another

.. Petitioners

and

The Electronics Corporation of India Limited, Hyderabad and others

.. Respondents

Counsel for the petitioners: Mr.J.U.M.V.Prasad

Counsel for the respondents:--

The Court made the following:

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ORDER:

This writ petition is filed for a *mandamus* to direct respondent Nos.1 and 2 not to release retiral benefits to respondent No.3.

The petitioner No.1 pleaded that she was the legally wedded wife of respondent No.3 and petitioner No.2 is their daughter; that their marriage was dissolved through legal process in the year 2007 and that they have filed D.V.C.No.18 of 2015 under the Protection of Women from Domestic Violence Act, 2005, on the file of learned II Metropolitan Magistrate, Cyberabad at L.B.Nagar, for award of maintenance at the rate of Rs.20,000/- each to the petitioners and also a sum of Rs.20 lakhs to petitioner No.1 towards compensation and damages for the alleged mental and physical torture and other amounts.

At the hearing, Mr.J.U.M.V.Prasad, learned counsel for the petitioners, submitted that D.V.C.No.18 of 2015 was heard by the learned Magistrate and reserved for judgment. He has also submitted that CrI.M.P.No.1263 of 2015 in D.V.C.No.18 of 2015 was filed for a direction to respondent Nos.1 and 2 not to release retiral benefits to respondent No.3 and that the said application is also reserved for orders

by the learned Magistrate.

In my opinion, when the petitioners have already moved a competent *forum* claiming the same relief claimed in this writ petition, they cannot invoke the jurisdiction of this Court by invoking its extraordinary jurisdiction. At any rate, respondent No.3 being entitled to receive retiral benefits, no *mandamus* restraining him from exercising such right can be issued. Even if respondent No.3 receives retiral benefits, the petitioners are entitled to enforce the decree, if any, passed by the learned Magistrate in the abovementioned D.V.C. case against him.

Subject to the above observations, the Writ Petition is dismissed.

As a sequel to dismissal of the writ petition, W.P.M.P.No.45624 of 2015 filed by the petitioners for interim relief shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

30th October, 2015

GHN