

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Civil Revision Petition No. 3560 of 2013

Order:

The petitioner herein is the wife and the respondent herein is the husband. The husband filed MOP No.32 of 2006 on the file of II Additional Senior Civil Judge (Fast Track Court), Nandyal, seeking dissolution of marriage by way of decree of divorce and the lower Court passed an order on 31.07.2007 directing the husband to deposit an amount of Rs.3,00,000/- in the name of the minor daughter, Keerthana and wife was permitted to withdraw the accrued interest thereon for every six (6) months. The relevant portion of the order reads as follows.

“The respondent is admittedly an employee in Navodaya Vidyalaya. The daughter is admittedly staying with her mother. The petitioner therefore should be directed to deposit Rs.3,00,000/- in the name of Keerthana in any Nationalised Bank which fetches more interest and see that the interest is paid to the mother once in six months, enabling her to spend the same for the benefit of their daughter. The Court is of the opinion that such a direction is necessary in the interest of justice.

In the result, this petition will be allowed on condition that the petitioner deposits Rs.3,00,000/- (Rupees Three Lakhs) in the name of Keerthana their daughter within three months from the date of this judgment in which case the petition stands allowed granting a decree of divorce, dissolving the marriage between the petitioner and respondent. On his failure to do so, this petition shall stand dismissed. Each party should bear their own costs.

The amount so directed to be deposited by the petitioner in any Nationalised Bank fetching more interest and the petitioner should pay the interest accrued thereon for every six months to the respondent, who should spend the said amount only to the welfare of 'Keerthana'. The petitioner should do so till 'Keerthana' attains majority and thereafter the said amount should be utilized for her marriage.”

2. Pursuant to the said order, the husband deposited the amount of Rs.3,00,000/- and decree of divorce was granted. The present grievance of the petitioner – wife is that the fixed deposit receipt, though, standing in the name of the minor daughter

'Keerthana', the husband was shown as father and natural guardian and, therefore, it has become very difficult for her to request him every six months for payment of interest. In normal circumstances, the mother of the minor daughter should have been allowed to open a bank account in the name of the minor and the amounts directed in the judgment should have been deposited in the said account, as, admittedly, the minor daughter is with the mother. When the petitioner –wife herein filed an application for modification of the said order, the application was returned on 05.02.2013 directing her counsel to indicate the ground for maintainability and also stating that the Court has no jurisdiction to entertain the petition.

3. In spite of service of notice on the respondent – husband, none appears for him. Since both the parties are in Kurnool district, this Court feels that the matter can be taken up either by the Mediation Centre or by Lok Adalat, as there is no serious dispute in the grievance of the petitioner.

4. Accordingly, the Civil Revision Petition is disposed of remanding the matter to the Secretary, District Legal Services Authority, Kurnool District, to refer the matter to the appropriate Lok Adalat or Mediation Centre for settlement of the issue. However, in the circumstances, no costs.

5. As a sequel thereto, the miscellaneous petitions, if any, pending in this Civil Revision Petition shall stand closed.

A.

RAMALINGESWARA RAO, J.

Date: 03.02.2016

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