

HON'BLE Dr. JUSTICE B.SIVA SANKARA RAO

C.R.P. No.5304 OF 2016

ORDER:

The Civil Revision Petition is filed impugning the order dated 03.09.2016 passed in I.A. No.600 of 2016 in I.A. No.572 of 2016 in O.S. No.5 of 2016 on the file of Judge, Family Court, Secunderabad.

2) Heard learned counsel for the revision petitioner/ 1st defendant among two defendants of O.S. No.5 of 2016, who maintained the revision against 1st respondent—sole plaintiff, including 2nd respondent to the revision as 2nd defendant and 3rd defendant proposed to be impleaded in I.A. No.600 of 2016 pending the suit apart from maintained I.A. No.572 of 2016 in directing the said bank as garnishee to withhold the retrial benefits of 1st defendant (revision petitioner) saying plaintiff is entitled to half of the retrial benefits, claiming as his wife in the suit claim with main relief for the same and also heard 1st respondent to the revision. Perused the material on record.

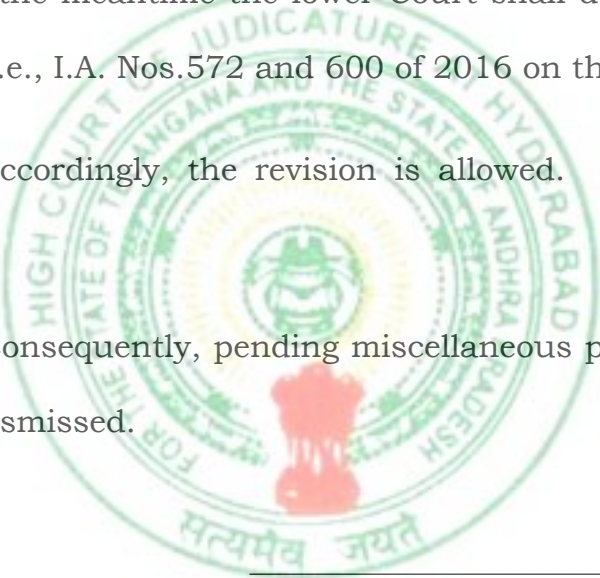
3) The very suit claim is in dispute by the 1st defendant saying similar to the contest in interim maintenance application in M.P. No.194 of 2015 in M.C. No.39 of 2015 filed by her against him for interim maintenance vide order of the same Family Court dated 02.03.2016 ended in dismissal saying the husband's contest is after divorce covered by proceedings of O.P. No.63 of 1992 dated 22.02.1994 by the husband from the wife, she is no more a subsisting wife apart from the factum that she has married one Kondal Reddy and after death of Kondal Reddy in 2005, she started making a claim against the defendant in claiming as his

ex-wife and the same is no way subsisting after her another marriage with Kondal Reddy.

4) In view of the same, the order of withholding the amount passed in I.A. No.600 of 2016 and not even from the pleadings, there is any consideration on merits in the garnishee application in I.A. No.572 of 2016 since unsustainable, the same is set-aside. However, the respondent—husband prohibited to withdraw the amount, by virtue of the order of injunction now granted, for 15 days from the date of receipt of the copy of this order and in the meantime the lower Court shall decide these two applications i.e., I.A. Nos.572 and 600 of 2016 on their own merits.

5) Accordingly, the revision is allowed. No order as to costs.

6) Consequently, pending miscellaneous petitions, if any, shall stand dismissed.



Dr.JUSTICE B. SIVA SANKARA RAO

Dt.03.11.2016
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