

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.15550 of 2016

ORDER:

The petitioner claims to be a legally wedded wife of late Muni Venkatappa, who worked as attender in Agriculture Office, Rural, Punganur, Chittoor District. They begot one daughter by name Archana, who is studying MBA. It is the case of petitioner that she and her daughter were deserted in the year 2010. They filed M.C. No.16/2010 on the file of the Judicial Magistrate of First Class, Punganur, Chittoor District claiming maintenance. The matter was compromised before the Lok Adalat on 01.10.2011 and an award was passed. The said Muni Venkatappa retired on 31.05.2011. He agreed to pay 1/3rd of the retirement benefits for education and marriage expenses of his daughter and for maintenance of both the mother and daughter. He agreed to transfer the said amount from his savings bank account in State Bank of India to the petitioner's account and to pay half of the pension to the petitioner. However, the said award of Lok Adalat dated 01.10.2011 was not complied with. In those circumstances, the petitioner filed CrI.M.P. No.830/2012 in M.C. No.16/2010 seeking a direction to pay the arrears of maintenance. Since the husband failed to pay the maintenance amount, he was sent to civil prison for a period of two months. Later on, he died on 28.11.2015. Thereafter, respondent No.6, who is a concubine of the husband, is trying to withdraw the death benefits and family pension of the husband of petitioner. The petitioner issued a notice to the respondents on 04.12.2015 for release of death benefits and a representation was also sent on 22.12.2015 to the respondents 2 to 5. When there is no response from the respondents, the

present writ petition was filed.

Though this Court ordered notice before admission on 06.06.2016 and granted four weeks time, no counter affidavit is filed nor any instructions issued to the learned Government Pleader.

In the circumstances, this Writ Petition is disposed of giving liberty to the petitioner to submit a fresh representation to the Assistant Director of Agriculture, Rural, Punganur, Chittoor District within fifteen (15) days from the date of receipt of a copy of this order, and the said Assistant Director of Agriculture is directed to consider the same and pass appropriate orders within four (4) weeks from the date of receipt of such representation. No order as to costs.

Miscellaneous petitions pending, if any shall stand closed.

A.RAMALINGESWARA RAO, J

04.07.2016

MVA