

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

AND

THE HON'BLE SMT. JUSTICE T.RAJANI

FAMILY COURT APPEAL No.24 of 2017

08.02.2017

Between:

Jeeru Rajeswari

..Appellant

and

Jeeru Venkata Anjana Reddy

..Respondent

Counsel for the appellant: Mr.Kurra Srinivas

Counsel for the respondent: Mr.K.Rama Krishna

The Court made the following:



JUDGMENT: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

Feeling aggrieved by the order and decree, dated 14.07.2016, in G.O.P.No.1410 of 2012 on the file of the Judge, Family Court-cum-V Additional District and Sessions Judge, Visakhapatnam, the respondent therein has filed this Family Court Appeal.

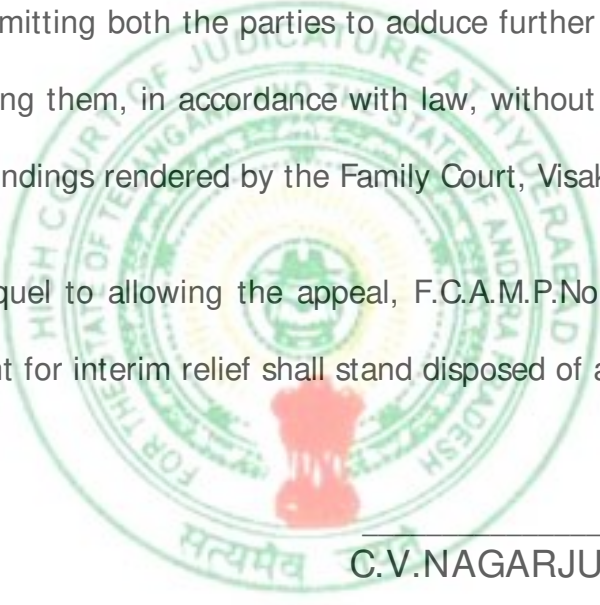
2. At the hearing, Mr.Kurra Srinivas, learned counsel for the appellant, has submitted that by order, dated 30.03.2016, in Tr.C.M.P.No.53 of 2016, this Court has withdrawn G.O.P.No.1410 of 2012 on the file of the Family Court, Visakhapatnam and transferred it to the Family Court, Guntur, for disposal in accordance with law and that in spite of the said order, the Family Court, Visakhapatnam, has disposed of the said G.O.P. The learned counsel for the respondent has not disputed the fact that G.O.P.No.1410 of 2012 was transferred to the Family Court at Guntur by this Court on 30.03.2016.

3. A perusal of the order of the lower Court shows that it has referred to vacation of the interim order granted in favour of the appellant by this Court in Tr.C.M.P.No.53 of 2016. However, final order in the said Tr.C.M.P. passed on 30.03.2016 does not appear to have been brought to the notice of the lower Court and as a consequence thereof, no reference to the said order was made. It is, therefore, reasonable to presume that the lower Court had no knowledge of transfer of G.O.P.No.1410 of 2012 when it has disposed of the said G.O.P. on 14.07.2016. This presumption is strengthened from the fact that the appellant was not represented by the Advocate during the hearing of the said G.O.P. The learned counsel for the appellant has sought to throw blame on his counter part, who appeared for the appellant before the lower Court. However, we feel it

unnecessary to delve into the said aspect. The fact, however, remains that by the time the lower Court has disposed of G.O.P.No.1410 of 2012, the said G.O.P. was already transferred from its file to the Family Court, Guntur. Therefore, the order under appeal is liable to be treated as nonest in law.

4. Accordingly, this Family Court Appeal is allowed. The order, dated 14.07.2016, in G.O.P.No.1410 of 2012 on the file of the Judge, Family Court-cum-V Additional District and Sessions Judge, Visakhapatnam, is set aside. The Family Court, Guntur is directed to dispose of G.O.P.No.1410 of 2012 by permitting both the parties to adduce further evidence, if any, and after hearing them, in accordance with law, without being influenced by any of the findings rendered by the Family Court, Visakhapatnam.

5. As a sequel to allowing the appeal, F.C.A.M.P.No.39 of 2017 filed by the appellant for interim relief shall stand disposed of as infructuous.



C.V.NAGARJUNA REDDY, J

T.RAJANI, J

08th February, 2017
GHN