

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

and

The Hon'ble Smt. Justice T.Rajani

FCA No.131 of 2017

Date: 18.04.2017

Between:

Gundala Nagamani @ Gundapu Nagamani

... Appellant

and

Gundala Parameswara Rao @
G.Parameswara Rao

...Respondent

Counsel for the Appellant: Mr.T.Ravi Kumar

Counsel for the respondent: Mr.Venkateswarlu Chakkilam

The Court made the following:



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

This Family Court Appeal (FCA) is filed against Common Order, dated 19-10-2015, to the extent it pertains to OP.No.483 of 2009, on the file of the Family Court -cum- IV Additional District & Sessions Judge, Vijayawada, whereby it has decreed the said OP filed by the respondent for dissolution of marriage with the appellant.

The respondent has filed a sworn affidavit, dated 11.04.2017, wherein he has *inter alia* stated that he has waited for more than six months after the decree was passed by the Family Court and married a person *viz.*, Syamala on 21-04-2016 at Sri Venkateswara Swamy Temple, Brahmana Street, Vijayawada. He has further stated that his second wife has given birth to a male child on 09-04-2017 in Ishwarya Maternal Hospital at Vijayawada.

It is not in dispute that the FCA was filed with a delay of 123 days. The respondent, having waited for expiry of the period of limitation for filing the appeal, claimed to have remarried. In support of his plea of remarriage, he has filed a copy of wedding invitation along with photos.

Mr.T.Ravi Kumar, learned Counsel for the appellant, has taken adjournment for verification of the truth or otherwise of the claim of the respondent regarding remarriage. Today, at the hearing, he has confirmed the correctness of the statement of the respondent regarding the remarriage and conceded that in view of this fact, no relief can be granted to the appellant in this FCA. He has, accordingly, requested the Court to close this FCA with liberty to his client to sue the respondent for permanent alimony.

In the above facts and circumstances, this FCA is disposed of as infructuous with liberty to the appellant to claim permanent alimony against the respondent by instituting substantial legal proceedings.

As a sequel to disposal of the FCA, FCAMP.No.177 of 2017, filed by the appellant for interim relief, is dismissed as infructuous.

(C.V.Nagarjuna Reddy, J)

(T.Rajani, J)

Dt: 18th April, 2017
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