

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL MISCELLANEOUS APPEAL No.3780 of 2004

JUDGMENT: (per Justice Sanjay Kumar)

This civil miscellaneous appeal filed by the husband and his father arises out of the order dated 22.07.2004 passed by the learned Senior Civil Judge, Vizianagaram, in H.M.O.P.No.72 of 2000 allowing the plea of the first respondent/wife for judicial separation for a period of two years. She was also held entitled to Rs.300/- per month towards maintenance and for that, a charge was created on the schedule mentioned properties. The said charge was also extended to the payment of maintenance of her daughter as ordered by the Judicial Magistrate of First Class, Gajapathinagaram, under Section 125 Cr.P.C.

We are of the opinion that the validity of the order under appeal no longer survives for consideration in the light of the fact that the judicial separation granted thereunder was for a period of two years which expired long ago.

On this short ground, the civil miscellaneous appeal is dismissed. In the event the arrears of maintenance have not been paid in terms of the order under appeal, it is left open to the first respondent to work out her remedies in accordance with law.

Pending miscellaneous petitions, if any, shall also stand dismissed.
No order as to costs.

SANJAY KUMAR, J

Dr. SHAMEEM AKTHER, J

Date:10.08.2017
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