

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

and

The Hon'ble Smt. Justice T.Rajani

Family Court Appeal No.254 of 2015

Date: 13.03.2017

Between:

Smt.K.Shamatha and another

... Appellants

and

Mr.T.Jayachandra Kumar Reddy @ J.K.Reddy

...Respondent

Counsel for the Appellants: Mr.V.Nitesh

Counsel for the respondent: Mr.V.Padmanabha Rao

The Court made the following:



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

This Appeal arises out of Order and Decree, dated 30.04.2015, in FCOP.No.118 of 2011 on the file of the Judge, Family Court –cum- V Additional District Judge, Tirupathi, whereby he has partly allowed the said OP filed by the appellants and awarded monthly maintenance of Rs.3,500/- to appellant No.2 while dismissing the same *qua* appellant No.1.

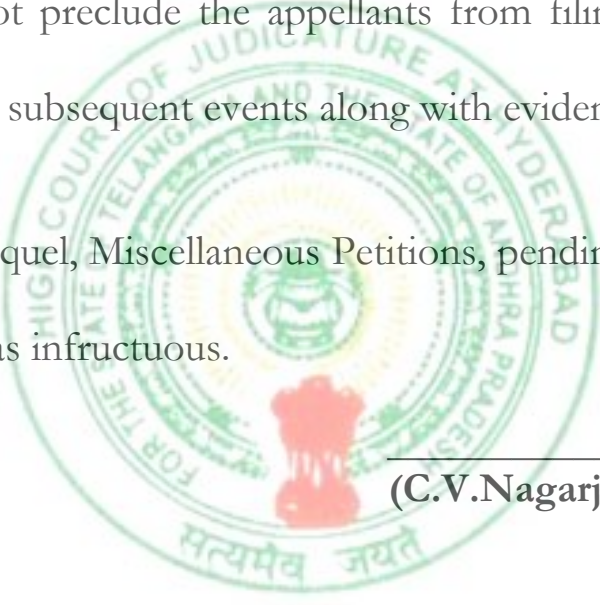
Mr.V.Nitesh, learned Counsel for the appellants, submitted that the main reason for the lower Court to decline award of maintenance in favour of appellant No.1 was that she was employed and earning higher salary than the respondent and that as a matter of fact, appellant No.1 has lost her job, while the respondent has joined as a coordinator in Velugu Project and drawing monthly salary of Rs.30,000/-.

Mr.V.Padmanabha Rao, learned Counsel for the respondent, however, denied the submissions of the learned Counsel for the appellants both with respect to appellant No.1 losing her job and also his client securing a job with higher salary.

Since the above aspects were not raised before the Family Court, we are not inclined to consider the same in this Appeal. However, if the position of the parties has altered after disposal of FCOP.No.118 of 2011, the appellants are entitled to file a fresh OP based on the subsequent events.

In the light of the above facts, we do not find any reason to interfere with the order of the Family Court. However, this order will not preclude the appellants from filing a fresh OP based on the subsequent events along with evidence.

As a sequel, Miscellaneous Petitions, pending if any, stand disposed of as infructuous.



(C.V.Nagarjuna Reddy, J)

(T.Rajani, J)

Dt: 13th March, 2017
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