

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY
AND
THE HON'BLE SMT JUSTICE T. RAJANI

FCA. No.16 of 2016

DATED: 21.03.2017

Between

Ethamukkala @ Kosuru Vijaya Lakshmi

...APPELLANT

And

Ethamukkala Chinna Abbaiah

...RESPONDENT

COUNSEL FOR THE APPELLANT: Sri C. Subodh

COUNSEL FOR THE RESPONDENTS: Sri Venkat Rao Ravulapalli



THE COURT MADE THE FOLLOWING:

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

This family court appeal is filed against the order and decree dated 31.07.2015 passed in FCOP.No.54 of 2014 on the file of the Judge Family Court, SPSR Nellore District.

We have heard the learned counsel for both the parties and perused the record.

The respondent herein filed FCOP.No.54 of 2014 for restitution of conjugal rights against the appellant. By a common order, the Court below has decreed the said OP.

Respondent filed counter affidavit in this appeal wherein it is, *inter alia*, stated that though he has secured decree of restitution of conjugal rights, in spite of several efforts made by the elders, the appellant continued her adamant attitude and has been staying away from the respondent. He has further stated that having got fed up with the appellant, he has filed O.P. No.273 of 2015 on the file of the Judge, Family Court, Nellore for dissolution of marriage and the appellant remained *ex parte*. He further averred that the appellant has not changed her attitude towards him.

As the respondent, who obtained decree for restitution of conjugal rights, himself has filed OP.No.273 of 2015 for dissolution of marriage, the decree assailed in this appeal hardly affects the interests of the appellant. Therefore, adjudication of this appeal on merits is not needed. Both the parties are left with liberty to put forth their respective stands in OP.No.273 of 2015.

The family court appeal stands disposed of accordingly.

As a sequel to disposal of the appeal, FCAMP.No.40 of 2016 shall stand disposed as infructuous.

JUSTICE C.V. NAGARJUNA REDDY

JUSTICE T. RAJANI

Date: 21.03.2017
LSK/DSK



