

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

CIVIL REVISION PETITION No.6088 of 2017

10.11.2017

Between:

Smt.Patnana Padmavathi

..Petitioner

and

The Commodore, Bureau of Sailors (Release Centre),
Cheetah Camp, Mumbai, Maharashtra State and others

..Respondents

Counsel for the petitioner: Mr.Jithender Rao Veeramalla

Counsel for the respondents: --

The Court made the following:



ORDER:

This Civil Revision Petition arises out of order, dated 03.10.2017, in I.A.No.526 of 2017 in O.S.No.1000 of 2011 on the file of learned I Additional Senior Civil Judge, Visakhapatnam.

2. I have heard Mr.Jithender Rao Veeramalla, learned counsel for the petitioner, and perused the record.

3. The petitioner's son, who was also the husband of respondent No.6, died in an accident in the course of his employment. Disputes arose between the petitioner on the one side and respondent No.6 on the other side, over sharing the death/pensionary benefits and compensation payable on the death of the deceased. The petitioner, therefore, filed the aforementioned suit for the following main reliefs:

“a) to declare (that) the plaintiff is the Class-I Legal Heir of the deceased P.Madhubabu and entitled to get half share of the death/pensionary benefits and compensation of the deceased P.Madhubabu stepped into the shoe of the deceased estate and to receive same from the defendants 1 to 5;

b) for a consequential relief for permanent injunction restraining the defendants 1 to 5 from paying the death/pensionary benefits and compensation of the deceased P.Madhubabu vide MCSWA-II, No.180468-F to the sixth defendant leaving the plaintiff being the Class-I Legal Heir of the deceased and the plaintiff is entitled to get half share of the death/pensionary benefits and compensation of the deceased P.Madhubabu as successor of the deceased”

After commencement of trial in the suit, the petitioner filed I.A.No.350 of 2017 to summon the Bank Manager and cause production of the account particulars of respondent No.6, so as to prove the receipt of

amounts from the Naval Authorities by the said respondent. The said application was allowed. The petitioner also filed I.A.No.351 of 2017 to summon one Monangi Srinivasa Rao, who allegedly married respondent No.6 during the pendency of the suit. The said application was also allowed. However, summons on the said person were returned unserved. Later, the petitioner filed I.A.No.526 of 2017 to summon the Manager of the Kalyana Mandapam, in which the second marriage of respondent No.6 with the said Monangi Srinivasa Rao took place, in order to prove the second marriage of the said respondent. The lower Court, by the order under revision, has dismissed the said I.A.

4. The learned counsel for the petitioner has submitted that the object behind the petitioner seeking to prove the second marriage of respondent No.6 is to make the said respondent disentitle to receive any part of the pensionary benefits in view of her second marriage.

5. From the reliefs claimed in the suit, it is evident that the petitioner seeks a declaration as Class-I heir of the deceased and also that she is entitled to half share in the death/pensionary benefits and compensation in her capacity as Class-I heir. The petitioner has not sought for amendment of the said reliefs, in order to claim the entire death/pensionary benefits and compensation to the exclusion of respondent No.6. Therefore, no useful purpose will be served by proving the second marriage of respondent No.6 and such an effort is nothing but a futile exercise.

6. In the above view of the matter, I do not find any reason to entertain this Civil Revision Petition and the same is, accordingly, dismissed.

7. As a sequel to dismissal of the C.R.P., C.R.P.M.P.No.7864 of 2017 filed by the petitioner for interim relief shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

10th November, 2017

GHN

