

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.9277 OF 2018

ORDER

The petitioner in this writ petition, claiming to be the adopted son of one late Masuri Nagaiah, who was an employee of the 1st respondent – M/s Singareni Collieries Company Limited, sought for a direction to the respondents not to disburse the death benefits of his father to 5th respondent, who is claiming to be the sister of the adopted mother of the petitioner.

As per the averments made in the writ affidavit, petitioner has already filed suit in O.S.No.69 of 2008 on the file of Principal Senior Civil Judge at Kothagudem, praying to declare him as adopted son of late Masuri Nagaiah and Masuri Mallavva @ Mallamma, and for consequential benefits. By judgment and decree dated 3.3.2017, the said suit was dismissed and challenging the same, he filed first appeal before this court in AS(SR).No.14470 of 2018, and the same is pending adjudication.

Since the appeal filed by the petitioner is pending, it is open for the petitioner to seek such relief under law in the appeal pending adjudication. He cannot invoke writ jurisdiction to seek ancillary reliefs in the appeal.

I do not find any merit in the writ petition and the same is accordingly dismissed.

Miscellaneous petitions pending, if any, shall stand closed. No costs.

A.RAJASHEKER REDDY,J

DATE:21—03—2018

AVS