

HON'BLE SRI JUSTICE R. SUBHASH REDDY

AND

HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

F.C.A.No.250 OF 2015

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JUDGMENT: (Per Hon'ble Sri Justice R.Subhash Reddy)

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This appeal under Section 19 of the Family Court Act is filed aggrieved by the order dated 02.09.2015 passed in I.A.No.687 of 2015 in O.P.No.711 of 2015 passed by the Judge, Family Court, Vijayawada.

The aforesaid O.P. is filed by the respondent, who is the wife of the appellant herein, for grant of maintenance @ Rs.30,000/- per month and also to pay charges of the petition schedule property. The respondent/wife filed I.A.No.687 of 2015, under Order XXXIX Rules 1 and 2 CPC, for grant of injunction restraining the appellant from alienating the petition scheduled property or to create any encumbrance, pending disposal of the O.P. In such application, by the Family Court, exparte orders are passed.

Heard Sri V.S.R.Anjaneyulu, learned counsel for the appellant, and Ms. K.M.J.D.Syama Sundari, learned counsel for the respondent.

A perusal of the operative portion of the order itself speaks that exparte interim injunction is granted till disposal of O.P.No.711 of 2015. At the same time, there is an opportunity to the appellant to contest the same.

In view of the above, we deem it appropriate to set aside the impugned order and direct the Family Court to give an opportunity

permitting the appellant to file counter affidavit in I.A.No.687 of 2015 and thereafter, pass appropriate orders in the said I.A on considering the pleadings of the parties on its own merits.

With the above directions, the appeal is allowed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this appeal shall stand closed.

R. SUBHASH REDDY, J

A.SHANKAR NARAYANA,J

30.09. 2015

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AND

HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

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DATED: 30.09.2015

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