
(2015) 1 ALT 37 : (2015) 3 DMC 67 : (2015) 2 RCR(Civil) 717

Supreme Court of India

Case No: Civil Appeal No. 9029 of 2014

Master Pendyala Uday
Kirran Rao and Others

APPELLANT

Vs

Pendyala Prakash Rao

RESPONDENT

Date of Decision: Sept. 19, 2014

Citation: (2015) 1 ALT 37 : (2015) 3 DMC 67 : (2015) 2 RCR(Civil) 717

Hon'ble Judges: Ranjana Prakash Desai, J; N.V. Ramana, J

Bench: Division Bench

Advocate: E.R. Sumanth and Naga Srinivas Rao, Advocates for the Appellant; Sadu Rajeswar Reddy and Anjani Aiyagari, Advocates for the Respondent

Final Decision: Disposed Of

Judgement

@JUDGMENTTAG-ORDER

1. Leave granted Appellants are aggrieved by the order dated 11-12-2013 passed by the High Court of Andhra Pradesh whereby the High Court has set aside the order passed by the Family Court directing the Respondent to deposit an amount of Rs. 10,60,000/- (Rupees ten lac sixty thousand only) each for the Appellants and to pay Rs. 5,000/- (Rupees five thousand only) each per month as maintenance to the Appellants. We had directed the parties to remain present in this Court to explore the possibility of settlement. In deference to our order, the Appellants, their mother and the Respondent had remained present in the Court. The parties expressed their inability to settle the matter. We referred the parties to the Supreme Court Mediation Centre. The Supreme Court Mediation Centre has submitted a failure report. In the circumstances, it is evident that there can be no settlement between the parties.

2. As we have already stated, the Family Court has passed an order of maintenance of Rs. 5,000/- (Rupees five thousand only) each per month in favour of the Appellants. The Family Court has also directed the Respondent to deposit an amount of Rs. 10,60,000/- (Rupees ten lac sixty thousand only) each for the Appellants.

3. We are informed that an amount of Rs. 1,00,000/- (Rupees one lac only) has been deposited by the Respondent in the High Court at the time of filing of the appeal.

4. Having heard Learned Counsel for the parties, we are of the opinion that in the circumstances of the case the direction given by the Family Court to the Respondent to deposit a sum of Rs. 10,60,000/- for each of the Appellants deserves to be set aside. As per the impugned order, the order of the trial court was perhaps passed ex-parte. Besides, the Appellants are now majors and they have completed their Engineering studies.

5. In the circumstances, in our opinion, to put an end to the entire dispute, the Respondent should give an amount of Rs. 2,00,000/- (Rupees two lacs only) to each of the Appellants as full and final settlement of their claim. Learned Counsel for the parties are agreeable for this settlement. Learned Counsel for the Respondent submitted that demand drafts drawn in favour of the Appellants in the sum of Rs. 2,00,000/- (Rupees two lacs only) each will be deposited in the Registry of the Supreme Court within a period of two months from today. Needless to say that the Registry will hand over the said demand drafts to Learned Counsel for the Appellants. The amount of Rs. 1,00,000/- which is deposited by the Respondent in the High Court at the time of filing of the appeal can be withdrawn by the Appellants without furnishing security if not already withdrawn.

6. Learned Counsel for the Respondent has made a serious grievance that the mother of the Appellants is not allowing the Respondent to meet the children. We are unhappy with this approach. If this is true, we deprecate this conduct of the Appellants' mother. We would appreciate if the Respondent is permitted to meet the Appellants at least once in two months. The Appellants are educated adults. They should also adopt a practical and conciliatory approach on the question of meeting their father.

7. Before concluding the order we make it clear that the above payment shall put an end to all the disputes between the parties. The appeal is disposed of in the above terms.