

HON'BLE SRI JUSTICE R. SUBHASH REDDY

CIVIL REVISION PETITION No.5684 of 2015

ORDER :

This civil revision petition is filed under Article 227 of the Constitution of India, by the respondent in F.C.O.P.No.150 of 2015, aggrieved by order, dated 27.10.2015, passed in I.A.No.741 of 2015.

Heard learned counsel for the parties.

F.C.O.P.No.150 of 2015 is filed by the respondent herein, for grant of divorce on the grounds of desertion and cruelty. In the said O.P., counter affidavit is filed. Seeking permission to file additional counter affidavit, the petitioner herein has filed I.A.No.741 of 2015. Such application is dismissed only on the ground that the petitioner has not filed rejoinder to the counter already filed.

It is not in dispute that trial is not yet commenced in the O.P. It is submitted by the learned counsel for petitioner that the reason assigned by the Family Court is not a ground to reject the application filed in I.A.No.741 of 2015. On the other hand, it is submitted by the learned counsel for respondent that originally, O.P. was filed in the year 2014 in Medak District and later transferred to the present Court and after transfer, it is re-numbered as F.C.O.P.No.150 of 2015. It is submitted that every time petitioner is changing her counsel and after change of counsel, present application is filed seeking permission to

receive additional counter.

I have perused the affidavit filed in support of the petition. It is the case of petitioner that some more facts, which are to be stated, are not stated in the counter already filed. As it is not in dispute that trial in the O.P. is not yet commenced, this Court is of the view that if the petition is allowed by giving opportunity to file additional counter affidavit, no prejudice will be caused to the respondent herein.

For the aforesaid reasons, this revision petition is allowed and the impugned order, dated 27.10.2015, passed in I.A.No.741 of 2015, is set aside. Consequently, the said I.A. stands allowed.

Petitioner shall file additional counter affidavit within a period of two weeks from the date of receipt of this order, and rejoinder, if any, be filed within four weeks. Thereafter, trial in the O.P. shall be commenced without losing further time and the O.P. be disposed of within a period of four months from today.

Pending miscellaneous applications, if any, shall stand closed.

R. SUBHASH REDDY, J

23rd December 2015

ajr