

IN THE HIGH COURT OF JUDICATURE AT
HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

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C.R.P.Nos.3277 & 3278 of 2015

Between:

Y.S.Shyam Kumar.

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... Petitioner

and

Y.S.Prasuna.

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... Respondent

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DATE OF JUDGMENT PRONOUNCED: 14.08.2015

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SUBMITTED FOR APPROVAL:

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HON'BLE SRI JUSTICE R. SUBHASH REDDY

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1. Whether Reporters of Local newspapers
Yes/No

_____ may be allowed to see the Judgment ?

2. Whether the copies of judgment may be
Yes/No

_____ marked to Law Reporters/Journals ?

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3. Whether Their Ladyship/Lordship wish to
Yes/No

_____ see the fair copy of the judgment ?

HON'BLE SRI JUSTICE R. SUBHASH REDDY

CIVIL REVISION PETITION Nos.3277 & 3278 of 2015

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COMMON ORDER :

As the parties in both these revision petitions are common, both the petitions are heard together and are being disposed of by this common order.

These civil revision petitions are filed by the original petitioner in F.C.O.P.No.574 of 2013, aggrieved by order dated 16.07.2015, passed by the Family Court at Secunderabad, in I.A.Nos.290 and 291 of 2015. Both the applications in I.A.Nos.290 and 291 of 2015 are filed by the respondent herein under Order 9 Rule 9 r/w. Section 151 of CPC, to set aside the orders of dismissal dated 29.04.2015, passed in I.A.Nos.102 and 101 of 2015 respectively, in F.C.O.P.No.574 of 2013.

It is mainly contended by the learned counsel for revision petitioner that as much as the orders passed in earlier I.As. i.e. I.A.Nos.101 and 102 of 2015 are not default orders, the very impugned order passed is contrary to the procedure laid down under the Code of Civil Procedure.

I have perused the orders passed in I.A.Nos.101

and 102 of 2015, from which, it is clear that such orders are passed for non-prosecution, and in that view of the matter, to give an opportunity to the respondent/wife to contest the main O.P., the impugned order is passed restoring the O.P. Therefore, I do not find any merit in these revisions so as to interfere with the impugned order. However, as the O.P. is filed by the petitioner herein in 2013, seeking dissolution of marriage by granting decree of divorce, the learned Judge, Family Court at Secunderabad is directed to dispose of the O.P. itself as expeditiously as possible, preferably within a period of six months from today.

Subject to the above direction, both the revision petitions are disposed of. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

R. SUBHASH REDDY, J

14th August 2015

ajr