

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELENGANA AND THE STATE OF
ANDHARA PRADESH

C.R.P.Nos.3609 & 3763 of 2014

Between:

Dr.Kunati Somaiah

.....Petitioner

and

Kunati Nirmala Jyothi

.....Respondent

Date of Judgment pronounced : 17-08-2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

1. Whether Reporters of Local newspapers : Yes/No
May be allowed to see the judgments?
2. Whether the copies of judgment may be marked :
Yes/No
to Law Reporters/Journals:
3. Whether The Lordship wishes to see the fair copy : Yes/No
Of the Judgment?

**THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA
RAO**

C.R.P.Nos.3609 & 3763 of 2014

COMMON ORDER:

Heard Sri Mummaneni Srinivasa Rao, learned

counsel for the petitioner and Sri J.C.Francis, learned counsel for the respondent.

2. The petitioner is the husband of the respondent. He filed the O.P. for dissolution of marriage against the respondent. An *ex parte* decree was passed therein on 17-04-2013. On 24-01-2014, the respondent filed I.A.No.248 of 2014 to condone the delay of 253 days in filing petition under Order 9 Rule 13 CPC to set aside the *ex parte* decree and I.A.No.249 of 2014 under Order 9 Rule 13 CPC to set it aside.

3. By separate orders dt.26-09-2014, both these applications had been allowed by the Court below.

4. Learned counsel for the petitioner in both the Revisions state that the impugned orders do not appear to be a reasoned orders and several contentions raised by the petitioner in the counters filed to the said applications have not been considered.

5. A perusal of the impugned orders does suggest that contentions raised by the petitioner in the Court below in these applications were not dealt with properly by the Court below. There is a reference to some evidence of ill health having been filed by the respondent but the same is not shown in the appendix to the impugned orders. Therefore it is necessary to go into the question of the alleged ill health of the respondent more in

detail while deciding these applications.

6. In this view of the matter, the orders dt.26-09-2014 passed in I.A.No.248 and 249 of 2014 in O.P.No.17 of 2009 of the Sub Divisional Magistrate, Mobile Court at Bhadrachalam are set aside and the said I.As. are remitted back to the said Court to consider afresh after giving opportunity to both parties and to pass a reasoned order. This exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion on the correctness of the pleas raised by both sides.

7. With the above directions, both the Civil Revision Petitions are allowed. No costs.

8. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 17-08-2015

kvr