

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

CIVIL REVISION PETITION Nos. 557 & 580 of 2015

COMMON ORDER:

The petitioner in both these cases is husband, who filed F.C.O.P.No.264 of 2012 on the file of the Judge, Family Court, Secunderabad, seeking divorce from the respondent-wife. He filed an affidavit in lieu of chief-examination, and thereafter, filed a rejoinder and the present petitions in I.A.Nos.465 and 466 of 2014 seeking to recall P.W.1 and permit him to file additional chief-examination affidavit in order to answer the allegations made by the respondent. Both these petitions were dismissed by separate orders on 11.10.2014. Challenging which, the present civil revision petitions are filed.

2. The main allegation of the petitioner on which he filed the above petitions is that the allegations mentioned in the counter were not in his knowledge and they came to his notice only after filing of the affidavit in lieu of chief-examination. Thereafter, he filed a rejoinder and the learned counsel for the respondent cross-examined him. He wanted to file additional chief-examination affidavit with regard to the averments made in the rejoinder, as he could not depose with regard to those facts in the previous chief-examination. The petitions filed by the petitioner were dismissed with the following observations:

“The petitioner is said to have studied Polytechnic and is doing business on his own saying in the petition. It is not known as to how he missed to address such points. These aspects clearly show that he is trying to procrastinate the proceedings. He has not even taken the responsibility of attending this Court today though his wife attended the Court today. This Court does not see any merits in this petition.”

Now, it has come out that after passing of the orders by the Family Court, Secunderabad, on 11.10.2014, for the last one year nothing has happened. The basis for dismissing the petitions filed by the petitioner was frustrated. This Court granted interim stay for a period of four weeks only on 09.10.2015, by which time,

evidence should have been completed. Since the evidence of the petitioner was not completed, in order to enable him to effectively put forward his case, these two petitions are allowed by granting time of two weeks for filing additional chief-examination affidavit by the petitioner before the Judge, Family Court, Secunderabad and complete the cross-examination of the petitioner, within 15 days thereafter. The petitioner shall cooperate with the disposal of F.C.O.P.No.264 of 2012.

3. The Civil Revision Petitions are accordingly allowed, by setting aside the impugned orders dated 11.10.2014. It is needless to observe that the Family Court, Secunderabad, shall dispose of F.C.O.P.No.264 of 2012 as expeditiously as possible, in view of the pendency of the matter for the last three years. Consequently, miscellaneous petitions, if any, pending in the civil revision petitions shall stand dismissed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

13th November, 2015

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