

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CRP.No.2716 of 2012

ORDER :

This Revision is filed under Article 227 of the Constitution of India challenging the order dt.15.02.2012 in I.A.No.1044 of 2011 in O.P.No.1244 of 2011 on the file of the Judge, Additional Family Court, at Hyderabad.

2. The said O.P. was filed by respondents against the petitioner for a perpetual injunction restraining petitioner from interfering or disturbing with the peaceful marital life of respondents.
3. It is stated in the O.P. that although the 1st respondent was initially married to petitioner on 02.10.1989, the petitioner pronounced *Talaq* thrice orally in the presence of witnesses on 16.02.2010, and this had been confirmed by Darul Qaza, Mumbai, and subsequently the Andhra Pradesh State Wakf Board had also issued a divorce certificate to that effect.
4. The 1st respondent contended that thereafter she ceased to be the wife of respondent, and after the *Talaq* and *Iddat* period she married 2nd respondent on 28.01.2011. It is alleged that petitioner is interfering with the marital life of respondents.
5. Along with the said O.P., the respondents filed I.A.No.1044 of 2011 under Order 39 Rules 1 and 2 C.P.C. to restrain the respondent, pending disposal of the O.P., from interfering with the peaceful marital life of respondents.
6. This application was contested by petitioner who denied that he

had divorced the 1st respondent. He also pleaded that she continues to be his wife. Several other allegations are also made against 1st respondent.

7. After hearing both sides, the Family Court allowed I.A.No.1044 of 2011 on 15.02.2012. It held that *prima facie* it is of the opinion that it is not proper for petitioner to interfere with the life of 1st respondent. It also considered the material filed on behalf of respondents and held that *prima facie* case is made out therein that petitioner had pronounced *Talaq*, and thereafter the 1st respondent married 2nd respondent.
8. Challenging the same, the present Revision is filed.
9. Although the counsel for petitioner sought to contend that this order is unsustainable, having regard to the fact that for more than three-and-a-half years there has been an injunction restraining petitioner from interfering with the peaceful marital life of respondents, pending the O.P., I am not inclined to interfere with the order passed by the Court below.
10. Therefore, the Civil Revision Petition is dismissed without expressing any opinion on the merits, leaving it open to petitioner to urge all contentions open to him in the O.P. No order as to costs.
11. The Family Court is directed to decide the said O.P. uninfluenced by its observations in the impugned order and decide the O.P. in accordance with law.
12. As a sequel, miscellaneous petitions pending, if any, in this Revision shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 29.10.2015

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