

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

-
C.R.P.No.4928 of 2015

ORDER:

This Civil Revision Petition is filed under Article 227 of the Constitution of India by the petitioner in F.C.O.P.No.82 of 2012 for a direction to the Court of the Family Judge, Ongole, Prakasam district for disposal of the said F.C.O.P.

2. Heard Sri M.S.N.Prasad, learned counsel for the revision petitioner and Sri V.Jagapathi, learned counsel for the respondent, apart from perusing the material available on record.

3. The petitioner herein filed the above said F.C.O.P.No.82 of 2012 on the file of the Family Judge, Ongole against the respondent herein, seeking decree for dissolution of marriage. In the said F.C.O.P., the respondent herein filed a counter, resisting the relief sought in the O.P.

4. It is stated by the learned counsel for the petitioner that the petitioner herein filed affidavit in lieu of chief examination on 4.9.2014, but in spite of the same, the Court below is not proceeding with the matter. On the contrary, reiterating the averments made in the counter affidavit filed in the present revision, the learned counsel for the respondent has submitted that without complying with the order dated 10.10.2015 passed by the Court below in I.A.No.1028 of 2015, wherein the Court below directed to pay a sum of Rs.9,000/- per month to the respondent herein, the petitioner herein has approached this Court by way of this revision. It is further submitted by the learned counsel for the respondent that there are absolutely no bonafides on the part of the petitioner in filing the present revision and it is only an attempt to escape from the liability in terms of the order passed by the Court below in I.A.No.1028 of 2015. A copy of the order dated 10.10.2015 passed in I.A.No.1028 of 2015 is placed on record by the learned counsel for the respondent along with counter. It is also the submission of the learned

counsel for respondent that in the event of there-being any unconditional order, the petitioner will not pay any amount as directed by the Court below.

5. Having regard to the nature of controversy and taking into consideration the totality of circumstances, the revision is disposed of, directing the learned Family Judge, Ongole, Prakasam district to dispose of the F.C.O.P.No.82 of 2012 within a period of one year from the date of receipt of this order, subject to the petitioner paying the amount as directed by the Court below periodically. It is also made clear that in the event of failure on the part of the petitioner in making the payments periodically as directed above, this order will not enure to the benefit of the petitioner. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date: 18.12.2015
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THE HON'BLE SRI JUSTICE A.V.SESHA SAI

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