

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.919 OF 2016

ORDER:

This Criminal Revision Case is filed by the petitioners/appellants challenging the order, dated 4.3.2016, in CrI.M.P.No.1870 of 2015 in CrI.A.(SR)No.8281 of 2015 on the file of the Metropolitan Sessions Judge, Hyderabad.

2. Respondent No.2 is the wife of petitioner No.1. She filed D.V.C.No.358 of 2012 on the file of the III Metropolitan Magistrate, Hyderabad at Erramanzil against the petitioners seeking certain reliefs under the provisions of the Protection of Women from Domestic Violence Act, 2005. Petitioner No.1 is represented by his General Power of Attorney Holder – petitioner No.2 before the trial Court. The said G.P.A. was cancelled by the trial Court *vide* order, dated 23.6.2014, and he was set *ex parte* in the D.V.C. in view of his absence before the trial Court. Pending D.V.C., the petitioners preferred CrI.A.(SR)No.8281 of 2015 before the Metropolitan Sessions Judge, Hyderabad. The petitioners filed CrI.M.P.No.1870 of 2015 to condone the delay of 406 days for filing the petition to set aside the *ex parte* order against petitioner No.1 and the same was dismissed by the trial Court with an observation that the delay of 406 days has not been properly explained. Aggrieved by the same, the present Revision Case is filed by the appellants.

3. Heard and perused the material available on record.

-

4. While hearing the matter, learned counsel for the petitioners informed that as far as petitioner Nos.2 and 3 are concerned, admittedly, the D.V.C. is pending adjudication before the trial Court and a direction may be given for expeditious disposal of the D.V.C.

-

5. Considering the pendency of the D.V.C. against petitioner Nos.2

and 3, this Court is of the view that the prayer of the petitioners can be considered on some condition.

-

6. The trial Court is directed to allow petitioner No.1 to be represented through his G.P.A. holder on deposit of Rs.1,00,000/- (Rupees one lakh only) as costs in favour of respondent No.2 and proceed with the trial and dispose of D.V.C.No.358 of 2012 as expeditiously as possible, more preferably, within a period of three (3) months from the date of receipt of a copy of this order. Further, the trial Court is directed to proceed with the case in the absence of petitioner No.1 and if there is any necessity of his answering to any of the proceedings before the trial Court, the G.P.A. shall file a petition informing that petitioner No.1 waived his right.

7. Accordingly, the Criminal Revision Case is disposed of.

8. Miscellaneous petitions pending, if any, in this Criminal Revision Case shall stand closed.

JUSTICE RAJA ELANGO

13.7.2016

AMD

THE HONOURABLE SRI JUSTICE RAJA ELANGO

-

-

-

-

-

-

-

-

-

—

AMD