

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CIVIL REVISION PETITION No.2698 OF 2016

ORDER:

The Civil Revision Petition is directed against the order, dated 31.3.2016, in I.A.No.86 of 2016 in O.S.No.80 of 2008 on the file of the Senior Civil Judge, Amalapuram whereunder and whereby, petition filed by the petitioner herein/petitioner under Section 151 C.P.C. to strike off the defence of the respondent herein/respondent, was dismissed.

2. Petitioner herein filed O.P.No.80 of 2008 against the respondent for restitution of conjugal rights and the same was coming for her cross examination by the respondent. The respondent filed O.P.No.884 of 2008 against the petitioner on the file of the Judge, Family Court, Visakhapatnam for judicial separation. Later, he not pressed the same and filed O.P.No.1086 of 2008 on the file of the Judge, Family Court, Visakhapatnam for divorce against her and the same was transferred to the Senior Civil Judge's Court, Amalapuram and numbered as O.P.No.95 of 2011 and the same is pending. This Court, *vide* common order, dated 13.11.2009, in C.R.P.Nos.4459 and 4843 of 2009, reduced the interim maintenance from Rs.10,000/- to Rs.7,000/- granted by the Senior Civil Judge, Amalapuram in I.A.No.200 of 2009. As the respondent committed default in payment of the interim maintenance to the petitioner, she filed I.A.No.86 of 2016 in O.P.No.80 of 2008 on the file of the Senior Civil Judge, Amalapuram seeking to strike off the defence of the respondent and the same was dismissed by the trial Court *vide* order, dated 31.3.2016. Challenging the same, she filed the present revision petition.

3. The respondent/caveator also appeared before this Court.

4. After arguing for sometime, learned counsel appearing on both

sides prayed this Court to give a direction to the trial Court to dispose of O.P.Nos.80 of 2008 and 95 of 2011 simultaneously.

5. It is evident from the record and the arguments that the petitioner has filed O.P.No.80 of 2008 on the file of the Senior Civil Judge, Amalapuram for restitution of conjugal rights and the respondent filed O.P.No.1086 of 2008 on the file of the Judge, Family Court, Visakhapatnam for divorce, which was transferred to the Senior Civil Judge's Court, Amalapuram, and numbered as O.P.No.95 of 2011.

6. Considering the facts and circumstances of the case and taking into consideration of the submission of the learned counsel appearing on both sides, this Court is of the view that instead of interfering with the impugned order, the Civil Revision Petition can be disposed of with the following directions:

Since the matter arises out of matrimonial disputes, the Senior Civil Judge, Amalapuram is directed to dispose of O.P.Nos.80 of 2008 and 95 of 2011 as expeditiously as possible, preferably, within a period of six (6) months from the date of receipt of a copy of this order. Further, both parties are directed to cooperate with the trial Court, as promised by them before this Court.

7. Accordingly, the Civil Revision Petition is disposed of. There shall be no order as to costs.

8. Miscellaneous petitions pending, if any, in this Civil Revision Petition shall stand closed.

JUSTICE RAJA ELANGO

24.8.2016
AMD

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Date: 24.8.2016

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