

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

CIVIL REVISION PETITION No.568 of 2016

ORDER:

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This revision is preferred against the order passed by the learned Judge, Family Court, Ranga Reddy District, L.B.Nagar in I.A.No.5027 of 2013 in O.S.No.19 of 2013.

The petitioner in this revision - Sridhar Parlapalli and the respondent - D.Radhika are married in India. But however, it appears a Court in Australia seems to have granted divorce *ex parte*. Seeking a declaration that such a decree passed by the Australia Court is not valid and binding on her, the suit O.S.No.19 of 2013 is filed. On the ground that the correct address of the husband in Australia is not known to her, the plaintiff in O.S.No.19 of 2013, the respondent herein has described his address locally available at Hyderabad. Summons were issued and those summons were received by the mother of the petitioner herein. But however, on the ground that there was no appearance made on 05.09.2013, he was set *ex parte*. To set aside that *ex parte* order dated 05.09.2013, I.A.No.5027 of 2013 is moved by the husband represented by his General Power of Attorney Holder, who is none other than his father. It is that petition, which is now dismissed. Hence, this revision.

Heard learned counsel appearing on both sides for considerable length of time. The suit filed by the respondent herein needs to be contested by the petitioner herein, otherwise the very essence and purpose for which the suit is filed may not be served effectively as well. Taking an overall view of the matter and with a view to balance the competing interests of both sides, I consider it appropriate to set aside the order passed on 15.05.2015 in I.A.No.5027 of 2013 in O.S.No.19 of 2013 subject to the following conditions.

- (1) The petitioner herein shall file his written statement in

O.S.No.19 of 2013 within a period of one month from today.

- (2) He shall also participate in conciliation proceedings, which will be undertaken by the Family Court in the month of June, 2016.

However, if any application is moved by the respondent herein, seeking injunction against the petitioner in getting remarried either in India or Australia, the same shall be dealt with on its merits by the Family Court, irrespective of the fact that whether the petitioner contests the same or not.

With this, the civil revision petition stands disposed of. No costs.

The miscellaneous petitions, if any pending in the revision, shall stand closed.

JUSTICE NOOTY RAMAMOHANA RAO

01.04.2016
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