

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

Civil Revision Petition No.5108 of 2015

ORDER:

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This Civil Revision Petition under Article 227 of the Constitution of India by the wife is directed against the orders dated 19.08.2015 of the learned Judge, Family Court, Ranga Reddy District passed in IA.No.859 of 2015 in OP.No.1474 of 2013 filed under Order IX Rule 7 of the Code of Civil Procedure requesting to set aside the *ex parte* order dated 20.04.2015 passed in the aforementioned OP.

2. I have heard the submissions of the learned counsel for the parties. I have perused the material record.

3. The facts, which are necessary for consideration, in brief, are as follows:

The husband filed an application under Section 13(1)(1a) of the Hindu Marriage Act, 1955 against the wife for grant of divorce by dissolving the marriage between the spouses. The wife was set *ex parte* after she made appearance at one point of time. As she was set *ex parte* on 20.04.2015, she had filed IA.No.859 of 2015 for setting aside the *ex parte* order and to permit her to contest the OP on merits. However, the trial Court had refused to entertain the petition on the ground that she is not appearing for reconciliation and that she was not present even on the day the said application was presented and that the application cannot be entertained in her absence and unless she is available for reconciliation. Assailing the said orders, the wife filed the present revision petition.

4. At the hearing, the learned counsel for the husband fairly concedes that the husband has no objection if the revision petition is allowed and appropriate orders are granted. The learned counsel for the revision petitioner/wife would submit that the wife is now in Italy on account of her employment and that she is likely to come to India around July 2016.

5. Recording the aforesaid submissions, the Civil Revision Petition is allowed and the order impugned is set aside. The court below is directed to

entertain IA.No.859 of 2015 and give an opportunity to the respondent/husband to file a counter in the said application and dispose of the said application on merits and in accordance with the procedure established by law, however, if necessary, by giving appropriate directions for the appearance of the wife for reconciliation at a future point of time. It is needless to state that till the said application is disposed of, the Court below shall not dispose of the main OP. However, the Court below shall make an endeavor to dispose of the above said IA as expeditiously as possible and preferably within six (06) months from the date of the receipt of a copy of this order. The said time frame is fixed as desired by the learned counsel for both the sides.

There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this revision shall stand closed.

M. SEETHARAMA MURTI, J

26th February 2016
Vjl