

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.39045 OF 2016

ORDER:

The writ petition is filed by the petitioner seeking a writ of mandamus declaring the impugned order, dated 03.11.2016, passed by the second respondent in Crl.M.P.No.3597 of 2016 in Crl.M.P.No.1841 of 2016 in D.V.C.No.29 of 2016 by directing the petitioner to pay the EMIs regularly to India Bulls, Kukatpally Branch, by setting aside the *ex parte* order dated 30.08.2016 passed in Crl.M.P.No.1841 of 2016 as illegal and arbitrary and consequently to set aside the same.

Heard and perused the material.

Learned counsel for the petitioner submits that the second respondent without appreciating the material available on record properly, passed the order dated 03.11.2016, in Crl.M.P.No.3597 of 2016 in Crl.M.P.No.1841 of 2016 in D.V.C.No.29 of 2016 and as such, he prays this Court to set aside the same.

This Court is of the view that the case is arising out of the family disputes and that this Court cannot decide the said case in the writ petition filed under Article 226 of the Constitution of India. The writ petition is not maintainable against the order passed in D.V.C., and as such, the writ petition is liable to be dismissed. However, the petitioner is at liberty to avail appropriate remedy before appropriate forum.

The writ petition is accordingly dismissed. Consequently, miscellaneous petitions, if any shall also stand disposed of.

JUSTICE RAJA ELANGO

14.11.2016
pln