

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CIVIL REVISION PETITION No. 5860 OF 2015

ORDER :

The Civil Revision Petition is filed to quash the proceedings in D.V.C. No.32 of 2015 on the file of Special Judicial Magistrate of First Class for Prohibition and Excise, Kurnool.

2) Heard the learned counsel for petitioners and perused the material on record.

3) The revision petition is filed on 22.12.2015 by the respondents 1 to 7 in D.V.C No.32 of 2015, which is maintained by 2nd respondent to the revision petition claiming as wife of 1st revision petitioner.

4) The grounds of revision petition are, mainly, that the D.V.C claim is with false averments and the respondent No.2 has been residing with her parents since December, 2014, thereby there is no domestic relationship between them to maintain the claim and unnecessarily the mother, brothers, sisters and brother-in-law of the husband—1st revision petitioner are impleaded as D.V.C respondents 2 to 7, though they are staying at separate places and unconnected. The revision petitioner No.1 herein divorced 2nd respondent on 25.06.2015 and sent an amount of Rs.5,000/- towards maintenance during Iddat period of 100 days by way of Demand Draft and thereby, the D.V.C is not maintainable.

5) It is the submission of the learned counsel for revision petitioners, by reiterating the same, that D.V.C

proceedings are liable to be quashed whereas it is the submission made by 2nd respondent that the matter is already posted for arguments after completion of enquiry before the learned Magistrate Court and there is nothing to interfere while setting aside the DVC proceedings as there are no merits in the matter and pending the D.V.C proceedings, the so-called pronouncement of Talaq allegedly on 25.06.2015 is also a matter of dispute, which is covered by evidence before the D.V.C proceedings for adjudication.

6) Having regard to the above, this Court has not chosen to sit in the revision to interfere with the D.V.C proceedings, including on maintainability, apart from the fact that there is an efficacious remedy of appeal, under Section 29 of the of the Domestic Violence Act, is maintainable including against cognizance taken as answered by this Court in ***Gaddameedi Nagamani V. The State of Telangana rep. by Public Prosecutor*** (Crl.P (SR) Nos.22371 of 2015 and batch) and that too, when the matter is ripe for arguments for disposal with no lapse of time but for to direct the learned Magistrate to complete the arguments and dispose of the matter within one month from the date of receipt of the order on its own merits.

7) Accordingly, the Civil Revision Petition is disposed of. No order as to costs.

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

Dr. B. SIVA SANKARA RAO, J

Date:09.08.2016

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