

THE HON'BLE SRI JUSTICE S.RAVI KUMAR

CIVIL REVISION PETITION No.1805 of 2012

ORDER:

This revision is preferred questioning order dated 16.03.2012 in I.A.No.769 of 2011 in O.P.No.338 of 2011 on the file of Additional Family Court, Hyderabad. On 16.04.2012 this Court ordered notice to the respondent and simultaneously personal service was also permitted and pending further orders stay of all further proceedings in O.P.No.338 of 2011 on the file of Additional Family Court, Hyderabad was granted. Thereafter, the matter was listed on 15.06.2012 and on that day as the learned counsel for the petitioner was absent, it was adjourned to 29.06.2012. On 29.06.2012 on the request of petitioner's counsel, matter was adjourned to 04.10.2012 for filing proof of service. On 04.10.2012 representation was made before this Court on behalf of the petitioner stating that notice sent to the respondent was not returned and sought further time. This Court directed to list the matter after service of notice. But, till now, proof of service is not filed and today the learned Advocate appearing on behalf of petitioner sought an adjournment on the ground that the counsel for the petitioner is out of station and not present.

2. On a scrutiny of proceedings sheet and material, I am not inclined to give any further time since this revision is preferred against orders passed on an application filed in the year 2011 under Rule 32 of Civil Rules of Practice. Petitioner in the F.C.O.P.No.338 of 2011 filed I.A.No.769 of 2011 on the ground that he went to U.S.A., on 24.06.2011 and executed General Power of Attorney in favour of his sister and to permit her to represent him before the Family Court. That application was dismissed on the ground that it is not maintainable as matrimonial matters are sensitive and Act contemplates physical presence of parties before the Court and the Act does not contemplate

representation. Challenging the same, the present revision is preferred and obtained stay and successfully gained time for nearly four years. Since it is a matrimonial matter, which require early settlement, in the interest of both parties, I feel this revision petition has to be dismissed for non-compliance of order dated 16.04.2012 in respect of personal service.

3. Accordingly, the Civil Revision Petition is dismissed. No costs. Miscellaneous petitions, if any, pending in this appeal shall stand closed.

S. RAVI KUMAR, J

FEBRUARY 22, 2016

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Date:22.02.2016

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