

HON'BLE SRI JUSTICE U. DURGA PRASAD RAO
CIVIL REVISION PETITION No.2315 of 2016

ORDER :

The revision petitioner impugns the order dated 29.01.2016 in I.A.No.507 of 2014 in H.M.O.P.No.48 of 2012 passed by the Principal Senior Civil Judge, Kothagudem, whereunder, the learned trial Court allowed the petition filed by the respondent under Order IX Rule 13 r/w. Section 151 CPC and set aside the *ex parte* decree dated 12.04.2013, passed against her.

2. The petitioner herein filed H.M.O.P.No.48 of 2012 seeking divorce against respondent. While so, when the summons could not be served on the respondent, the Court ordered notice by way of publication and thereafter, set the respondent *ex parte* as she did not attend Court after paper publication and thereafter examined the petitioner and passed an *ex parte* decree on 12.04.2013. Subsequently, the respondent filed I.A.No.507 of 2014 under Order IX Rule 13 r/w. Section 151 CPC, praying the trial Court to set aside the *ex parte* decree dated 12.04.2013. Her case was that she had no access to the paper publication and she came to know about passing of *ex parte* decree only during her visit to the house of her elder brother at Narsapuram on 23.10.2014 on the occasion of Diwali. The present petitioner contested the said petition by filing counter. The trial Court, upon hearing both sides and having found the cause shown by

the respondent herein as a sufficient one, set aside the *ex parte* decree dated 12.04.2013. Hence the instant revision.

3. Upon perusal of the impugned order, this Court finds that it is a speaking and reasoned order and therefore, it is impeccable. Therefore, at the stage of admission itself, this revision petition is dismissed. However, considering the request of learned counsel for petitioner and also having regard to the fact that the H.M.O.P. is of the year 2012 and an old matter, the trial Court is directed to dispose of the O.P. itself within three months from the date of receipt of a copy of this order. Both parties shall cooperate with the trial Court for due disposal of H.M.O.P.No.48 of 2012.

As a sequel, pending miscellaneous applications, if any, shall stand closed. No costs.

U. DURGA PRASAD RAO, J

17th June 2016

ajr