

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

CIVIL REVISION PETITION No.2812 of 2016

ORDER:

This Civil Revision Petition is filed against the order dated 18-04-2016, wherein the Court below dismissed the application filed by the petitioner under Order VI, Rule 17 read with Section 151 C.P.C. for amending the pleadings in OP.NO.122 of 2012 filed by him for grant of divorce.

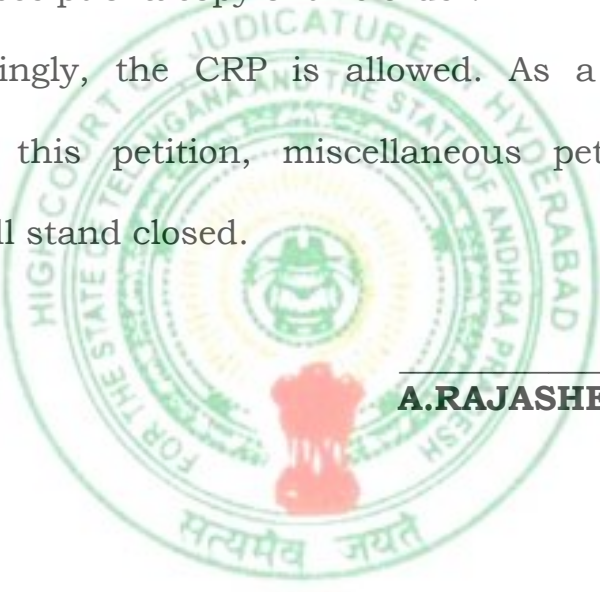
Though notice is issued to the respondent and served, though appearance is made, there is no representation for the respondent.

Learned counsel for the petitioner submits that only the Court below dismissed the application on the ground that the petitioner has been filing one petition after another by seeking adjournments without going into the merits of the case. He submits that earlier petitioner filed the petition before the Senior Civil Judge-Senior Division, Solapoor. But the said petition was numbered as I.A.No.746 of 2014 after OP No.122 of 2012 was transferred to Senior Civil Judge's Court, Jagtial by virtue of orders passed by the Apex Court in Transfer CMP filed by the respondent and said IA was dismissed on the ground that the petition is not accompanied by affidavit. Immediately on 07-10-2015, the present IA was filed. Thereafter, the petitioner has not filed any other application in OP.No.122 of 2012. As such, the Court below has taken erroneous view of the facts and dismissed the application. A perusal of the order dated 11-09-2015 in I.A.No.746 of 2014

in O.S.No.122 of 2012 shows that the said petition was dismissed on the ground that it is not accompanied by affidavit and the petitioner also asserted that he has not filed any other applications, except review petition in the Supreme Court, which goes to show that the Court below has not considered the issue in proper perspective.

In view of the same, the impugned order is set aside. The Court below is directed to dispose of the I.A.No.354 of 2015 after hearing both sides within a period of six (06) weeks from the date of receipt of a copy of this order.

Accordingly, the CRP is allowed. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.



A.RAJASHEKER REDDY,J

28-12-2016
Nvl