

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Civil Revision Petition No.3000 of 2015

Date: 04-01-2016

Between:

Purnima Rani Kanijam

.... Petitioner

AND

Balaji Ankem

.... Respondent

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Civil Revision Petition No.3000 of 2015

ORDER:

-

The petitioner is the wife and the respondent is the husband in O.P.No.1500 of 2013 on the file of Judge, Family Court, Ranga Reddy District at L.B. Nagar. The said proceedings were filed by the respondent-husband for annulment of marriage that took place on 17-04-2006. In the said proceedings, the petitioner-wife was set ex parte on 17-07-2014. She filed I.A.No.1262 of 2014 seeking to set aside the *ex parte* order dated 17-07-2014 and the said application was allowed on 16-04-2015 with a condition that the petitioner shall be present in person on 06-05-2015. Because of her job in USA, she could not be present on that day and hence, the application in I.A.No.1262 of 2014 was dismissed and the case was posted to 15-07-2015 for *ex parte* evidence. Since the Presiding Officer was on leave on that day, it was adjourned to 30-07-2015, though she

was present on 15-07-2015. The said adjournment to 30-07-2015 was made in spite of her request to fix an early date as she had to fly back to USA on 03-08-2015. Accordingly, she filed I.A. (SR).No.5320 of 2015 seeking to restore I.A.No.1262 of 2014 to file. The said application was returned on the ground that the connected application was returned. The connected application appears to be a petition seeking condonation of delay in seeking restoration of I.A.No.1262 of 2014, which was dismissed on 06-05-2015. However, the petitioner, without taking steps challenging the return of the applications filed subsequent to 06-05-2015, filed the present revision petition challenging the order passed on 06-05-2015.

The only ground on which the application in I.A.No.1262 of 2014 was dismissed is that the petitioner was not present in spite of the order dated 16-04-2015 as stated above. The petitioner could not be present on that day as she was in USA due to her employment. However, she appears to have come to India on 15-07-2015 when the matter was posted for *ex parte* evidence and today also she is present in this Court. It is represented by the learned counsel for the petitioner herein that the matter is posted to 12-01-2016 and the petitioner will be present before the Court below on that day.

In the circumstances, in the interests of justice, this Court is inclined to allow I.A.No.1262 of 2014 in O.P.No.1500 of 2013 subject to condition of the petitioner paying an amount of Rs.5,000/- (Rupees five thousand only) to the District Legal Services Authority, Ranga Reddy, within a period of two weeks from today. The petitioner shall also file her counter in O.P.No.1500 of 2013.

Accordingly, the Civil Revision Petition is allowed. There

shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 04-01-2016

Ksn