

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

CIVIL REVISION PETITION No.70 of 2016

ORDER:

The present revision is filed by the 1st respondent in D.V.C.No.14 of 2015 on the file of XIX Metropolitan Magistrate, Cyberabad at Miyapur, Kukatpally, against the docket order dated 07.09.2015.

D.V.C.No.14 of 2015 is filed by the 1st respondent herein, who is none other than the wife of the petitioner in this revision. The right to file counter by the petitioner herein has been forfeited on the ground that the said counter affidavit has not been filed.

It is stated by the learned counsel that due to unexpected bereavement in the family of the counsel for the petitioner herein, who is appearing before the XIX Metropolitan Magistrate, Cyberabad at Miyapur, Kukatpally counter affidavit is not filed. Though notice is served in this revision, there is no representation on behalf of the respondents, respondent No.1 in particular. Hence, I find that there was justifiable reason for the petitioner for his failure to file counter affidavit in D.V.C. Hence, the docket order passed on 07.09.2015 forfeiting the right of the 1st respondent in DVC/petitioner herein is set aside. By the next date of hearing, if the counter affidavit is filed duly serving it on the opposite side, the Court below may entertain the same and then proceed with the further enquiry.

With this observation, the civil revision petition stands disposed of.

Consequently, miscellaneous petitions, if any pending shall stand closed. No costs.

JUSTICE NOOTY RAMAMOHANA RAO

01.04.2016

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