

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

CIVIL REVISION PETITION NO.5513 OF 2016

DATED:11-11-2016

Between:

Ayyalasomayajula (Devagupta) Madhavi ... Petitioner

And

Ayyalasomayajula Naresh Babu ... Respondent

COUNSEL FOR THE PETITIONER: Mr. T.D. Phani Kumar

COUNSEL FOR THE RESPONDENT: -



THE COURT MADE THE FOLLOWING:

ORDER:

This civil revision petition is filed against order dt.30.6.2016 in I.A. No.885 of 2016 in O.P. No.540 of 2010, on the file of the Judge, Family Court, Visakhapatnam.

The petitioner suffered an *ex parte* decree of divorce granted in favour of the respondent. She has filed an application under Order IX Rule 13 of the Code of Civil Procedure, 1908, for setting aside the *ex parte* decree. As there was delay in filing such application, she has filed I.A. No.592 of 2015 for condonation of the delay. The petitioner examined herself as P.W.1 in the said application. As the counsel for the respondent failed to cross-examine her, the petitioner's evidence was closed. However, the respondent filed I.A. No.885 of 2016 for reopening the evidence of P.W.1 and permit him to cross-examine her. By order dt.30.06.2016 the lower Court has allowed the said I.A.

Having regard to the nature of the order passed by the lower Court, I am of the opinion that it has exercised its discretion for reopening the evidence of P.W.1 to give a fair opportunity to the respondent to cross-examine her. The petitioner did not plead serious prejudice on account of allowing the I.A. filed by the respondent. Therefore, I do not find any merit in this civil revision petition.

The civil revision petition is accordingly dismissed.

As a sequel to dismissal of the civil revision petition, C.R.P.M.P. No.7129 of 2016 shall stand disposed of as infructuous.

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C.V. NAGARJUNA REDDY, J

11-11-2016

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