

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CIVIL REVISION PETITION No.5045 of 2017

ORDER :

The Civil Revision Petition is filed by the petitioner/husband, aggrieved by the order dated 31.07.2017 in I.A.No.526 of 2017 in O.P.No.1220 of 2013 on the file of the Family Court, Hyderabad.

2. Heard both sides and perused the impugned order and the grounds of revision.

3. The impugned order no way requires interference, once leave is sought, when Court did not incline to grant leave for the claim not based on any technical defect to grant leave to withdraw the present pending proceeding so to maintain other proceeding. However, at this stage, the learned counsel for the revision petitioner, who was the petitioner before the lower Court in I.A.No.526 of 2017 in O.P.No.1220 of 2013 submits that the revision petitioner wants to abandon the O.P. proceedings as per Order XXIII Rule 1 (4) C.P.C. Once such is the case there is no leave required but for to award costs to other side and as such, the withdrawal by abandonment of the claim in the

O.P.No.1220 of 2013 on the file of the Judge, Family Court, Hyderabad, supra is permitted, subject to the costs of Rs.10,000/- payable to the respondent/ wife of the petition as contemplated by that provision, which is not by granting any leave of this Court to file any further proceeding in relation to the cause of action covered by the claim now abandoned and since dismissed subject to costs. The dismissal order comes into force on payment or deposit of costs of Rs.10,000/- (Rupees Ten thousand only), before the lower Court within fifteen days from the date of receipt of copy of this order. The counter-claim, no doubt, survives independently to decide on own merits by regular enquiry.

4. Accordingly, the Civil Revision Petition is disposed of.
5. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

Dr. B. SIVA SANKARA RAO, J

Date:08-11-2017
pab