

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

C.R.P.No.4222 of 2017

Date: 15.12.2017

Between:

Kurapati Srinath S/o. Ram Mohan,
Aged 35 years, Occ: Private Employee,
R/o.H.No.18-9, Prashanthnagar, Siddipet,
Siddipet district, present address
Deepa Constructions, Khaliya State,A-1,
Manaasac Building, Behind A-1, Muhari Centre,
Room: 503, 5th floor, Post Box: 51288,
ABUDHABI, U.A.E., rep. by his father
Sri Kurapati Ram Mohan S/o.Late Narsiah,
Aged: 59 years, Occ: Business
R/o.H.No.18-9, Prashanthnagar,
Siddipet, Siddipet district. ... Petitioner

And

Saadula @ Kurapati Sree Poojitha
W/o.Srinath, Aged about 29 years,
Occ: Housewife, R/o.C/o.S.Ramarao,
VNK Sai Residency, 4th floor, Flat No.402,
Plot No.103&104, Gokul Plots,
Near Suryam Model School, Vasanth Nagar,
Sherilingampally, Ranga Reddy
Presently residing at H.No.11-7-1&2,
Creative Classic Apartments, Flat No.205,
2nd floor, Panjala Anil Kumar Colony,
Opp.Apollo Pharmacy, Saroornagar,
R.R.district. ... Respondent

Counsel for the Petitioner : Mr. Venkateshwar
Varanasi

Counsel for the Respondents : Mr.S.Suman

The Court made the following:

Order :

O.P.No.264 of 2015 was filed by the petitioner herein, praying to grant decree of divorce. The said O.P. was disposed of by order dated 11.12.2015 uncontested by the respondent. On 18.11.2016, respondent in the O.P. filed I.A.No.325 of 2016, praying to condone the delay of 311 days in filing the petition to set aside ex parte decree. The I.A. was heard and by order dated 18.07.2017, delay was condoned. Aggrieved by this, revision is preferred.

2. Learned counsel for the petitioner contends that after the disposal of the O.P., petitioner married on 16.11.2016 and two days after the marriage was performed, this I.A. was filed. The respondent having waited till the marriage is performed, filed the I.A., only to harass the petitioner. He further contends that once the marriage is performed after the decree of divorce is granted, the petition to restore the O.P. is not maintainable. He further submits that the Family Court has failed to consider the contentions urged by the petitioner in opposing the petition to condone the delay and also the decisions relied upon by him, were not discussed and no finding is recorded on the contentions urged. He would submit that matter be remanded for consideration afresh.

3. Having regard to the order passed by the Court below and the contentions urged by the learned counsel for the petitioner, the counsel for the respondent fairly submits that he has no objection for remanding the matter. However, he further submits that no notice was served on the respondent in the O.P. and the O.P. was decided even without giving opportunity to the respondent and, therefore, the decree is not valid. Even the learned counsel for the respondent agreed for remanding the matter, rightly so.

4. Since both the counsel have agreed for remanding the matter, without expressing opinion on any of the contentions urged, the order against which this revision is filed is set aside and the matter is remanded to the Family Court at Warangal, for consideration of I.A.No.325 of 2016 afresh, after affording due opportunity to both parties. Both parties are at liberty to raise contentions as available to them.

5. The civil revision petition is accordingly allowed. No order as to costs.

6. As a sequel, miscellaneous petitions if any, stand dismissed.



(P.NAVEEN RAO, J)

Date: 15th December, 2017

msb