

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

W.V.M.P.No.150 OF 2016
IN/AND
W.P.M.P.No.50181 OF 2015
AND
W.P.No.38938 OF 2015

COMMON ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking to issue a writ of *Mandamus* to declare the proceedings in D.V.C.No.03 of 2015 on the file of the Court of the Judicial Magistrate of First Class, Yemmiganur, Kurnool District as abuse of process of law, lack of jurisdiction and contrary to the provisions of Act 43 of 2005 and consequently, to quash the same insofar as the petitioners herein are concerned.

2. By an order, dated 09.12.2015, in W.P.M.P.No.50181 of 2015, this Court granted stay of appearance of the petitioners herein in D.V.C.No.3 of 2015 on the file of the learned Judicial First Class Magistrate, Yemmiganur, Kurnool District. Seeking vacation of the said order, respondent No.2 herein filed W.V.M.P.No.150 of 2016.

3. Today, when the matter is called, there is no representation on behalf of the petitioners though the matter is listed under the caption "For dismissal".

4. Sri Butta Vijaya Bhaskar, learned counsel for respondent No.2, would submit that due to the pendency of this writ petition, the trial Court is not proceeding further with the D.V.C. According to the learned counsel, the evidence of P.W.1 is over, the husband

of respondent No.2 was set *ex parte* and the evidence, if any, of the petitioners herein has to be adduced.

5. Learned counsel for respondent No.2, submits that he has no objection for making the aforesaid interim order as a final order and also for disposal of the main writ petition.

6. In view of the above submissions made, the interim order, dated 09.12.2015, passed in W.P.M.P.No.50181 of 2015 dispensing with the presence of the petitioners herein in the aforesaid D.V.C. is made absolute, but however, they shall appear as and when required by the Court.

7. Considering the facts and circumstances of the case and the submission of the learned counsel for respondent No.2, the trial Court is directed to proceed with the trial in D.V.C.No.03 of 2015 on the file of the Court of the Judicial Magistrate of First Class, Yemmiganur, Kurnool District in accordance with law and dispose of the same at the earliest.

8. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

9. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE C.PRAVEEN KUMAR

Date: 5.7.2017
AMD

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