

THE HON'BLE SRI JUSTICE SANJAY KUMAR

CIVIL REVISION PETITION NOS.2730, 2731 AND 2999 OF 2017

C O M M O N O R D E R

These civil revision petitions under Article 227 of the Constitution arise out of the common order dated 06.04.2017 passed by the learned XV Additional District Judge, Ranga Reddy District at Miyapur, in I.A.Nos.397, 398 and 400 of 2017 in FCOP No.470 of 2014. C.R.P.No.2730 of 2017 arises out of I.A.No.397 of 2017 while C.R.P.No.2999 of 2017 arises out of I.A.No.398 of 2017 and C.R.P.No.2731 of 2017 relates to I.A.No.400 of 2017 filed in the O.P.

The petitioner in these three revisions is the husband, the respondent in the O.P. The wife filed the said O.P. under Section 13(1)(ia) of the Hindu Marriage Act, 1955, seeking dissolution of her marriage with the husband by way of a decree of divorce on the ground of cruelty. While so, the subject IAs were filed in the O.P. by the husband under Section 151 CPC. I.A.No.397 of 2017 was filed for reopening of his evidence to enable him to adduce further evidence. I.A.No.398 of 2017 was filed for reopening of his evidence to enable him to examine some persons who were ready to give evidence on his behalf and to also adduce the evidence of the managers of M/s.Vodaphone Limited and M/s.Airtel Limited, cell phone companies. I.A.No.400 of 2017 was filed by him for reopening of his evidence for the purpose of marking documents – (1) copy of the order passed in DVC No.47 of 2013 on the file of the learned XI Metropolitan Magistrate, Cyberabad at L.B.Nagar, (2) copy of the order passed in CrI.M.P.No.4103 of 2015 in C.C.No.414 of 2014 on the file of the learned XIV Metropolitan Magistrate, Cyberabad at L.B.Nagar, and (3) acquittal judgment passed in C.C.No.43 of 2011

on the file of the learned XIV Metropolitan Magistrate, Cyberabad at L.B.Nagar.

By the common order under revision, the trial Court dismissed all the I.As.

Perusal of the common order reflects that the trial Court took note of the fact that the subject IAs were filed at the stage of arguments. The trial Court set out at length the number of opportunities availed by the husband to adduce evidence and to file his arguments. Though he had sought an adjournment to file his written arguments, he failed to do so and on 16.03.2017, he filed the subject IAs. The trial Court noted that all the IAs were filed under Section 151 CPC without mentioning the correct provision of law. Further, though he had filed an application to receive certain documents, he did not even file those documents along with the application. The trial Court therefore held that the applications had been filed only to drag on the matter and accordingly dismissed them.

Sri A.Prabhakar Rao, learned counsel representing Sri M.Durgaprasad, learned counsel for the petitioner-husband, would contend that an opportunity may be given to the petitioner to adduce evidence by filing proper applications under the correct provisions. This plea is however hotly contested by Sri V.Venkata Subrahmanyam, learned counsel on caveat for the respondent-wife. He would point out that sufficient opportunities were allowed to the petitioner by the Court below and therefore, no further indulgence should be shown to him.

Having considered the matter, this Court is of the opinion that the manner in which the husband filed the subject applications with

scant regard to the correct provision of law and without even verifying whether the required documents were filed along with one of the applications, clearly shows that he was not serious about the same. These applications seem to have been filed only as a ploy to drag on the matter, as he was required to file his written arguments on the day that he came up with these IAs. The lack of *bonafides* on the part of the husband was therefore manifest. The order passed by the trial Court holding to this effect therefore does not brook interference.

The Civil Revision Petitions are devoid of merit and are accordingly dismissed. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

22nd SEPTEMBER, 2017

PGS

SANJAY KUMAR,J

