

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

Civil Revision Petition No.4325 of 2016

Order:

The petitioner has come up with the present revision challenging an order passed by the Family Court, Vijayawada, refusing to reopen the evidence on the side of the petitioner, for the purpose of adducing further evidence.

2. Heard Mr. Jayanti S.C. Sekhar, learned counsel for the petitioner.

3. On 21-9-2016, I ordered notice to the respondent and also granted stay. Service of notice was completed in December, 2016, but the respondent has not chosen to appear. To give one more opportunity, I permitted the petitioner to serve the notice on the counsel appearing before the lower Court for the respondent. That has also been done. But the respondent has still not chosen to enter appearance.

4. The grievance of the petitioner is that the petitioner is actually suffering from cancer and that fortunately, he recovered after the treatment. But it appears that the same was denied by the respondent. Therefore, the petitioner wants to examine a few persons and also mark medical records to prove that he was suffering from cancer. But the Court below dismissed the application for reopening of evidence. Hence, the petitioner is before me.

5. In the Affidavit in support of the application for reopening, the petitioner has asserted that he was suffering

from cancer. He has also filed some medical record earlier. Therefore, there is no reason why the petitioner should not be granted an opportunity.

6. In matrimonial matters, no hard and fast rule can be established, for reopening evidence and for filing documents. Therefore, the revision is allowed, the impugned order is set aside and the interlocutory application I.A.No.480 of 2016 in O.P.No.256 of 2009 filed by the petitioner shall stand allowed. The miscellaneous petitions, if any, pending in this revision shall stand closed. No costs.

V.RAMASUBRAMANIAN, J.

10th March, 2017.
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