

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL REVISION CASE No.1506 OF 2017

ORDER:

Heard Sri C.M.R. Velu, learned counsel for the petitioner and Sri P.V. Sanjeev Rao, learned counsel for the 2nd respondent.

2. In an application filed under Section 7 of the Guardian and Wards Act, to appoint one G. Yadamma, Maternal Grandmother of the petitioner, the learned Judge, Family Court, Secunderabad, by order dated 22.4.2016 in M.P. No.115 of 2016 in M.C. No.30 of 2008 passed the following:

“Heard the counsel for petitioner. Petition allowed.”

3. The main and only ground agitated in the present Criminal Revision Case is that no notice was issued to the respondent, father of the minor, before passing the order under challenge. The learned counsel, Sri C.M.R. Velu, submits that the provisions of Act would govern holding an enquiry and to pass orders. No notice at all was issued to the respondent in the said application. Besides the said ground, it is also his submission that the order itself is very cryptic as no reasons are assigned.

4. The learned counsel for the 2nd respondent, Sri P.V. Sanjeev Rao, would, of course, submit that copies of papers were not

supplied, but, however he has gone through the said order, which is under challenge herein.

5. It is not only on account of the fact that an enquiry has to be conducted but also for the reason that no notice at all was issued to the respondent before passing the said order giving a complete go-bye to the principles of natural justice, the order is liable to be set aside.

6. This apart, the order itself is very cryptic. No reasons are assigned. Therefore, it is liable to be set aside and, accordingly, set aside, restoring M.P. No.115 of 2016 in M.C. No.30 of 2008 to the file of the Judge, Family Court, Secunderabad, directing to dispose of the M.P. by affording an opportunity to both parties and to dispose of the said M.P. within a period of one month from the date of receipt of a copy of the order.

7. With the above direction, the Criminal Revision Case is allowed.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the Criminal Revision Case shall stand closed.

Dt. 30.10.2017
gbs

A. SHANKAR NARAYANA, J