

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CIVIL REVISION PETITION NO.3290 OF 2017

ORDER:

This civil revision petition is filed under Article 227 of the Constitution of India, assailing the order in I.A.No.629 of 2016 in O.P.No.951 of 2015 dated 07.12.2016 passed by the Additional Family Court at Hyderabad, dismissing an application filed under Order IX Rule 7 r/w Section 151 C.P.C.

The respondent/husband filed O.P.No.951 of 2015 under Section 13(1a) & (1b) of Hindu Marriage Act, to dissolve the marriage between the petitioner and respondent by granting decree of divorce on various grounds. Thereafter, the petitioner/wife filed I.A.No.629 of 2016 under Order IX Rule 7 r/w Section 151 C.P.C to set-aside the exparte order dated 01.03.2016. The Trial Court dismissed I.A.No.629 of 2016 on 07.12.2016 on the ground that the petitioner/wife was absent when the matter was posted for her appearance.

It is an admitted fact that I.A.No.629 of 2016 was posted on 07.12.2016 for the petitioner/wife appearance and as she was not present, the matter was kept aside till 4.40 p.m and called thrice. In spite of affording sufficient opportunity, the petitioner/wife was absent. Hence, the Trial Court dismissed I.A.No.629 of 2016.

During hearing, both the counsel requested this Court to fix a specific date for disposal of O.P.No.951 of 2015 itself, since it is a matrimonial dispute.

Therefore, without touching the merits of the order in I.A.No.629 of 2016 in O.P.No.951 of 2015 dated 07.12.2016 passed by the Additional Family Court at Hyderabad and acceding to the request of both the learned counsel for the petitioner and the respondent, the *exparte* order is set-aside, permitting the petitioner to file counter and I deem it appropriate to direct the Judge, Additional Family Court at Hyderabad, to decide the petition within six months from the date of receipt of copy of this order. The petitioner herein/wife is directed to file counter in O.P.No.951 of 2015 within fifteen days from the date of receipt of copy this order.

With the above direction, the civil revision petition is disposed of.

Consequently, miscellaneous applications pending if any, shall also stand closed. No costs.

JUSTICE M. SATYANARAYANA MURTHY

Date:20.07.2017

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**Note: Issue copy by 25.07.2017
b/o
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