

HON' BLE SRI JUSTICE A. RAMALINGESWARA RAO

CIVIL REVISION PETITION No. 5957 of 2017

ORDER:

Heard the learned counsel for the petitioner.

2. The petitioner in OP No.27 of 2001 on the file of the Senior Civil Judge, Kandukur, Prakasam District, is the revision petitioner herein. He originally, filed OP No.524 of 1997 on the file of the Family Court, Hyderabad, against the respondent herein, for divorce. On the application filed by the respondent for transfer of the petition, this court ordered to transfer OP No.524 of 1997 to the court of the Senior Civil Judge, Kandukur and it was renumbered as OP No.27 of 2001. The respondent also filed OP No.2 of 2002 in the same court for restitution of conjugal rights. On the application of the respondent in IA No.213 of 2003 to club both OP No.27 of 2001 and OP No.2 of 2002 and both the petitions were clubbed. In spite of the directions of this court in CRP No.1859 and 4641 of 2003 dated 31.12.2003 to deposit a monthly maintenance of Rs.8,000/- to their daughter and Rs.10,000/- towards litigation expenses, the petitioner did not deposit the said amount and hence the court below dismissed OP No.27 of 2001 by order dated 08.07.2004. The respondent filed IA No.904 of 2004 in OP No.2 of 2002 seeking grant of interim maintenance and Rs.10,000/- towards litigation expenses. The said application was allowed by the trial court and the revision preferred against the said order was dismissed. The respondent filed EP No.60 of 2004 to realize the arrears of maintenance in OP No.27 of 2001. Without paying any amount, the petitioner filed IA No.793 of 2007 to condone the delay of 926 days in filing the petition to restore OP No.27 of 2001.

3. The respondent filed a counter stating that the petitioner has been working as General Manager in India Cements, Hyderabad and drawing monthly salary of Rs.1,00,000/- . He owned a house worth Rs.5.00 crores apart from having eight house sites, three apartments, and four business complex rooms in Hyderabad and secunderabad. The petitioner is getting a monthly rent of Rs.60,000/- . Thus, the petitioner has got the properties worth Rs. 10.00 crores. He has got sufficient means to pay the interim maintenance and legal expenses and that the present application is filed only to delay the further proceedings. The petitioner is educating two daughters in Delhi Public School, Hyderabad.

4. On the above pleadings, the trial court passed an order on 04.09.2017 dismissing the application with the following observations:

"Firstly the petitioner/husband failed to comply the direction given by the Hon'ble High Court in CRP 1859 and 4641 /2003 dt.31.12.2003 and consequently, the OP 27/2001 was dismissed for non-compliance of the direction given by the Hon'ble High Court. Thereafter the Petitioner/husband has complied the direction of the Hon'ble High Court with a delay of 926 days and requested this court to condone the delay and therefore this court is of the opinion that such relaxation and extending of further time can be granted only by the Hon'ble High Court and this court cannot relax the conditions or directions imposed the Hon'ble High Court (Hon'ble Appellate Court).

Secondly the petitioner/husband failed to show sufficient cause to condone such delay of 926 days as per the observations given by this court mentioned above.

Thirdly, the purpose for which the interim maintenance was granted to the daughter of the petitioner/husband is defeated for not depositing the arrears of maintenance within time and therefore the purpose for which the interim maintenance was granted and the orders passed by the Hon'ble High Court in CRP. 1850/ 2003 and 4641/ 2003 are not fulfilled.

19. As per the observations made by this court discussed above and for the above reasons, this court is not inclined to condone the delay of 926 days. Accordingly, the point is answered in favour of the respondent and against the petitioner."

5. Thus the above facts shows the callous attitude of the petitioner and no reasons were assigned for the abnormal delay of 926 days in complying with the orders of this court in CRP No.1859 and 4641 of 2003 dated 31.12.2003. The petitioner dragged on the proceedings to the maximum extent and harassed the respondent.

6.

In the circumstances, this court finds no grounds to entertain the present revision petition and accordingly dismissed. However, this order will not prevent the petitioner from taking appropriate steps in accordance with law, if the petitioner is so advised. No costs. Miscellaneous Petitions, if any, pending in this civil revision Petition shall stand closed.

HON' BLE SRI JUSTICE A. RAMALINGESWARA RAO, J

Dt. 03.11.2017
MjI

