

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

F.C.A.No.60 of 2018

Date: 09.02.2018

Between:

D.Pallavi W/o.D.Bhaskar Rao,
Age: 28 years Occ: Household,
R/o.H.No.1-38, Manikonda village,
Gandipet mandal, Ranga Reddy district ... Appellant

And

D.Bhaskar Rao, S/o.D.Linga Rao,
Aged about 35 years, Occ: Business,
R/o.H.No.1-17/1, Manikonda village,
Gandipet Mandal, Rangareddy district ... Respondent

Counsel for the Petitioner : M/s. Saraswathi Mungi

Counsel for the Respondent:

The Court made the following:

Judgment : (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This appeal is filed with delay of 309 days. Since the appeal has already been numbered and the manner in which we propose to dispose of the appeal, we have chosen not to pass any order on the delay application.

2. This appeal arises out of order dated 03.03.2017 in F.C.O.P.No.1996 of 2014 on the file of the XV Additional District Judge-cum-II Additional Family Judge, Rangareddy district, Kukatpally at Miyapur, whereby the said Court has dissolved the marriage of the appellant with the respondent by mutual consent under Section 13 B of the Hindu Marriage Act, 1955. The said order would show that the parties have entered into an agreement for dissolution of marriage by mutual consent and that, when they were enquired by the Court, they reiterated their respective stands. However, in the present appeal, the appellant has pleaded that the respondent has misled her into believing that the papers on which she has signed, were needed for closing the case in the Family Court and that, she was not aware of the fact that those papers pertain to an application under Section 13 B of the Hindu Marriage Act. Except her *ipse dixit*, the appellant has not filed any material to substantiate her plea. Therefore, it is not possible for this Court to adjudicate the plea of the appellant in an appeal. In the opinion of this Court, the appropriate remedy for the appellant is to file a review before the Family Court, which is deemed to be a civil court and to which, the

provisions of the Code of Civil Procedure are made applicable under Section 10 of the Family Courts Act, 1984. Hence, we are not inclined to entertain this appeal for adjudication on merits, with liberty to the appellant to avail the aforementioned remedy.

3. The appeal is, accordingly, dismissed.

4. As a sequel to the dismissal of the appeal, miscellaneous applications if any, stand dismissed.

(C.V.Nagarjuna Reddy, J)

(Gudiseva Shyam Prasad, J)

Date: 9th February, 2018

msb

