

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CIVIL REVISION PETITION No.2590 OF 2018

ORDER:

This Civil Revision Petition is filed under Article 227 of the Constitution of India assailing the order dated 06.04.2018 passed in I.A.No.868 of 2017 in O.P.No.419 of 2012 on the file of the Judge, Additional Family Court at Hyderabad.

2. Heard the learned counsel for both parties.

3. A perusal of the record reveals that the respondent filed F.C.O.P.No.419 of 2012, under Section 9 of the Hindu Marriage Act, on the file of the Additional Family Court, City Civil Court, Hyderabad, against the petitioner. The respondent also filed I.A.No.569 of 2012 against the petitioner claiming interim maintenance and the same was allowed long back. For one reason or other, the petitioner did not pay the maintenance amount. The respondent filed I.A.No.868 of 2017, under Section 151 C.P.C., to strike off the defence of the petitioner.

4. Learned counsel for both parties, in one voice, submitted that the trial Court allowed I.A.No.868 of 2017 at the stage of arguments. They further submitted that in pursuance of the order passed by this Court on 08.06.2018, the petitioner deposited an amount of Rs.2,19,000/- to the credit of F.C.O.P.No.419 of 2012. In view of the deposit of the amount by the petitioner, the order passed in I.A.No.868 of 2017 is liable to be set aside.

5. In the result, the Civil Revision Petition is allowed setting aside the dated 06.04.2018 passed in I.A.No.868 of 2017 in

O.P.No.419 of 2012 on the file of the Judge, Additional Family Court at Hyderabad. Consequently, I.A.No.868 of 2017 stands dismissed. The Additional Family Court is hereby directed to dispose of O.P.No.419 of 2012 on merits basing on the oral and documentary evidence as well as written arguments filed by both parties. There shall be no order as to costs.

6. Consequently, Miscellaneous Petitions, if any, pending in this Civil Revision Petition shall stand closed.

Date: 02.07.2018
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T.SUNIL CHOWDARY, J

