

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CIVIL REVISION PETITION No.2923 of 2018

ORDER:

Heard Sri A. Sreedhar, learned counsel for the revision petitioner. Perused the order under challenge, which is the docket order, dated 19.12.2017, passed in an application filed under Section 11 of the Family Court Act read with Section 151 of the Code of Civil Procedure.

The order under challenge reads thus:

“In view of the judgement of Hon'ble Supreme Court in transfer petition No. 1278 of 2016 dated 09.10.12 in Santhini vs. Vijaya Venkatesh, this petition is not maintainable. Hence, returned.”

In fact, when the Court below records that the Interlocutory Application filed by the petitioner is not maintainable and referred to the order in Transfer Petition No.1278 of 2016, dated 09.10.2012, it is obligated with the duty to pass a speaking order referring to what was held by the Hon'ble Apex Court in the decision referred to by it and, bars the petitioner from moving an application of this nature.

Hence, the Civil Revision Petition is allowed setting aside the order under challenge and remitting the matter to the Additional Family Court, City Civil Court at Hyderabad, for disposal of the Interlocutory Application afresh by hearing the counsel for the petitioner and to pass appropriate speaking order.

Miscellaneous Petitions, if any, pending in the present petition,
stand closed.

A. SHANKAR NARAYANA, J

02.05.2018

Note: Issue CC by tomorrow.

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