

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CIVIL REVISION PETITION No.6078 OF 2018

ORDER:

At the outset, no impugned order is projected in this case warranting the consideration of this Court in the civil revision petition.

2. The factual scenario is that the petitioner filed D.O.P.No.127 of 2017 before the learned Principal District Judge, West Godavari at Eluru, seeking divorce against the respondent, wherein he filed I.A.No.1370 of 2018 requesting the court to expedite the trial as he has to go to Ukraine in the month of December, 2018 to pursue his academic carrier there. The said petition was opposed by the respondent and the trial court in its order dated 08.08.2018 allowed the application filed by the petitioner and thereafter, it appears the petitioner as P.W.1 produced his chief affidavit and his documents were marked as Exs.A1 to A4. The matter was posted for cross-examination of P.W.1 to 20.09.2018. Cross-examination did not take place as there was no representation for respondent on that day and hence, the matter was posted to 28.09.2018. On that day, P.W.1 was present and at the request of the respondent, the matter was posted for cross-examination to 08.10.2018 on payment of costs of Rs.100/-. The petitioner has not produced about the

subsequent information with regard to the subsequent adjournments.

3. Now, the submission of learned counsel for petitioner is that, in view of the exigencies, the trial court may be directed to fix the outer limit for completion of the trial. In this context, a perusal of the order dated 08.08.2018 would show that the trial court in spite of observing that the D.O.P.No.127 of 2017 is a new matter and though other old matters are pending before it, considering the request of the petitioner and to meet the ends of justice, allowed the petition and subsequently, as stated supra, the evidence of the petitioner commenced and the matter was coming up for cross-examination. In that scenario, no further orders can be passed directing the trial court to fix an outer date, in which case, the trial court which is none other than Principal District Court will be constricted to dispose of this particular matter by passing the other old matters. Sufficient consideration was already shown by the trial court having regard to the request of the petitioner. Therefore, the request of the learned counsel for petitioner cannot be considered.

4. Accordingly, this civil revision petition is dismissed. As a sequel, miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

U.DURGA PRASAD RAO, J

06.12.2018
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