

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Civil Revision Petition No.2475 of 2019

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the petitioner/wife, challenging the order, dated 02.08.2019, passed in I.A.No.114 of 2019 in O.P.No.1442 of 2016, by the Judge, Additional Family Court at Hyderabad, whereby, the petition filed by the respondent herein/husband to receive certain documents, was allowed.

2. Heard the submissions of Sri Resu Mahender Reddy, learned counsel for the petitioner/wife, Sri M.R.Harsha, learned counsel for the respondent/husband and perused the record.

3. The learned counsel for the petitioner/wife would submit that the Photostat copies of the notices issued by the police under Section 41A of Cr.P.C., were taken back and sought to be filed along with subject interlocutory application. Further, in the affidavit filed in support of the subject interlocutory application, there is no explanation for the delay caused in submitting the documents sought to be taken on record. Since there is no just and reasonable cause, the Court below ought not have allowed the subject interlocutory application and ultimately prayed to set aside

the order under challenge and dismiss the subject interlocutory application No.114 of 2019.

4. On the other hand, the learned counsel for the respondent/husband would contend that certified copies and other documents were sought to be taken on record. However, the original notices issued by the police under Section 41A of Cr.P.C. were filed along with the subject interlocutory application. Copies of those documents were already filed along with the affidavit in the original O.P.No.1442 of 2016. There was delay in obtaining the certified copies from the High Court. Hence, the subject interlocutory application was filed to receive the documents by condoning the delay in filing those documents. The Court below, after analysing the contentions of both the sides, was pleased to allow the subject interlocutory application. There is nothing to interfere with the impugned order and ultimately prayed to sustain the impugned order and dismiss the Civil Revision Petition.

5. It is evident from the record and the submissions made by the learned counsel for the respondent that four notices issued by the police under Section 41A of Cr.P.C. were filed. Further, it is submitted that the details of those notices and other documents are mentioned in paragraph 26 of the main O.P.No.1442 of 2016. Further, it is borne by the impugned order that if at all there is any objection for

marking of the said documents, the said objection can be raised at the time of marking those documents. It is further borne by the affidavit filed in support of the subject interlocutory application that the notices issued by the police under Section 41A of Cr.P.C. could not be filed along with the counter in the main O.P.No.1442 of 2016, as there was some delay in obtaining the certified copies of other documents from the High Court and that the delay is unintentional. Furthermore, the substantial contentions raised by both the sides are required to be dealt with in the subject O.P.No.1442 of 2016. Under these circumstances, it cannot be said that there are laches on the part of the respondent/husband in filing the notices issued by the police under Section 41A of Cr.P.C. and also other certified copies. The Court below is justified in passing the impugned order. There is no legal infirmity in the order under challenge. The Civil Revision Petition is devoid of merit and is liable to be dismissed.

6. In the result, the Civil Revision Petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this CRP, shall stand closed.

19th December, 2019
Bvv

Dr. SHAMEEM AKTHER, J