

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.356 OF 2017

ORDER:

This revision, under Article 227 of the Constitution of India, is filed by the petitioner aggrieved by the order dated 01.11.2016 passed in I.A.No.310 of 2015 in F.C.O.P.No.225 of 2015 by the learned Judge, Family Court, Secunderabad, wherein the Court below allowed the application filed by the respondent-wife to set aside the *ex parte* decree and judgment dated 06.06.2015 passed in F.C.O.P.No.225 of 2015.

2. Heard learned counsel for the revision petitioner, learned counsel for the respondent and perused the record.

3. The respondent-wife had filed an affidavit narrating the circumstances that led to the passing of *ex parte* decree dated 06.06.2015 in the said FCOP. She had assigned reasons for not proceeding with the case. On technicalities, it is not proper to deny an opportunity in a case filed for custody of children. Substantial issues are required to be addressed after due trial, as the case may be. The Court below, having appreciated the facts and circumstances of the case, is justified in allowing the application. There is no illegality or perversity in passing the impugned order. Hence, no interference is warranted in this revision petition. This revision petition is devoid of merit and is liable to be dismissed.

4. In the result, the Civil Revision Petition is dismissed.

The Miscellaneous Petitions, if any, pending shall stand closed.

No costs.

Dr. SHAMEEM AKTHER, J

Date: 06.11.2019
ssp

