

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.2600 of 2019

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the revision petitioners, aggrieved by the order, dated 27.09.2019, passed in I.A.No.669 of 2018 in O.P.No.1451 of 2013 by the Judge, Additional Family Court, Hyderabad, whereby, the petition filed under Section 5 of the Limitation Act 1963 read with 151 of the Code of Civil Procedure, 1908 (for short, 'C.P.C') to condone the delay of 853 days in filing the petition under Order IX Rule 13 C.P.C., to set aside the *ex parte* decree, dated 26.10.2015, passed in O.P.No.1451 of 2013, was allowed.

2. Heard the learned counsel for the revision petitioners, the learned counsel for respondent No.1 and perused the record.

3. In the course of submissions, it is brought to the notice of this Court that application filed under Order IX Rule 13 C.P.C to set aside the *ex parte* decree, dated 26.10.2015, passed in O.P.No.1451 of 2013 is not yet disposed of by the Court below. For some reason or other, the said application is not yet disposed of by the Court below. It is relevant to state that the subject O.P., was filed under Sections 7 to 10 & 25 of the Guardians and Wards Act r/w Section 7 of the Family Courts Act, 1984, to declare the petitioners herein as guardians of minor children and for their custody. These type of cases are required to be determined expeditiously, without loss of time.

4. Under these circumstances, the learned Judge, Additional Family Court, Hyderabad, is directed to dispose of O.P.No.1451 of 2013 expeditiously, preferably within a period of three (3) months from the date of receipt of a copy of this order. In the event of petitioners herein filing an application for interim custody of the minor children, the Court below is required to be heard on day-to-day basis and dispose of the same expeditiously.

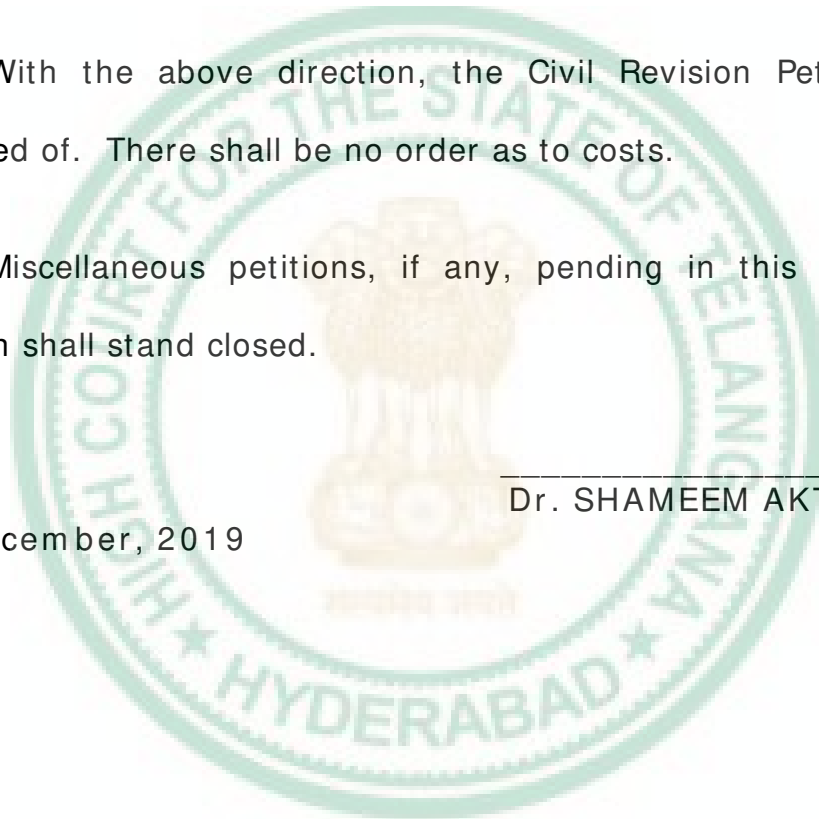
5. With the above direction, the Civil Revision Petition is disposed of. There shall be no order as to costs.

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

2nd December, 2019

YVL

Dr. SHAMEEM AKTHER, J



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Date:02.12.2019

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