

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

C.R.P.No.6232 of 2018

O R D E R:

This Revision is filed under Article 227 of the Constitution of India assailing the order dt.24.04.2017 in I.A.No.318 of 2017 in O.P.No.1159 of 2012 of the Judge, Family Court, Ranga Reddy District at L.B.Nagar.

2. Petitioner is wife of the respondent. Respondent filed the said O.P. against the petitioner for divorce alleging cruelty by the petitioner.

3. The evidence on the side of the respondent was concluded and the matter was posted for the evidence of the petitioner on 06.04.2017.

4. Petitioner however did not appear and adduce her evidence. So her evidence was closed and the case was posted to 12.04.2017 for submitting arguments.

5. Petitioner then filed I.A.No.318 of 2017 to reopen the evidence and permit her to lead evidence stating that she was unwell on 06.04.2017 and therefore could not attend the Court or give instructions.

6. Taking a sympathetic view, the Court below allowed the said I.A., on contest and asked the petitioner to produce evidence on 24.04.2017 mentioning categorically that if she did not do so, I.A.No.318 of 2017 shall stand dismissed.

7. On 24.04.2017 also petitioner did not attend the Family Court. Therefore, the Court below closed the evidence and adjourned the matter for hearing to 02.05.2017.

8. Assailing the same, this Revision is filed on 12.10.2018, one year six months later.

9. Counsel for petitioner contends that petitioner was unwell even on 24.04.2017 and that was why she could not appear before the Court and the Court refused to grant an adjournment. He also contended that grave prejudice would be caused to the petitioner if she was not allowed to lead evidence in the O.P.

10. Counsel for respondent however refuted the said contentions and pointed out that petitioner had earlier filed CRP.No.2373 of 2017 in this Court challenging the order dt.23.03.2017 in I.A.No.166 of 2017 in O.P.No.1159 of 2012 and obtained interim order dt.28.04.2017 in CRP.MP.No.3101 of 2017 in CRP.No.2373 of 2017 of stay of all further proceedings in the O.P. Thus, the petitioner cannot plead that she was unwell, when she could approach this court and file CRP.No.2373 of 2017, and her conduct in filing the instant CRP in October, 2018 shows that petitioner had no intention to allow the case to be decided expeditiously, and her only intention is to drag on the proceedings.

11. On verification of record, it is clear that copy application for the impugned order dt.24.04.2017 in O.P.No.1159 of 2012 was itself filed by the petitioner on 23.08.2017. Copy of the same was delivered to the petitioner on 05.09.2017. Having obtained the said

order on 05.09.2017, petitioner waited till 12.10.2018 to file the present Revision, i.e., for one year six months.

12. The record further reveals that petitioner had earlier filed CRP.No.2373 of 2017 and obtained interim order dt.28.04.2017 in CRP.MP.No.3101 of 2017 staying the proceedings in O.P.No.1159 of 2012, and taking advantage of the said order, petitioner kept quiet till October, 2018 and filed the instant Revision only after CRP.No.2373 of 2017 was dismissed on 27.09.2018.

13. I am of the opinion that the conduct of the petitioner is not at all *bonafide* and the petitioner's intention was to deliberately not lead evidence on 24.04.2017 and drag on the proceedings in the O.P. indefinitely. Since the petitioner has not chosen to produce any evidence in spite of an opportunity being given to the petitioner by the Court below in its order dt.20.04.2017 in I.A.No.318 of 2017 in FCOP.No.1159 of 2012, I am of the opinion that the Court below did not commit any error of jurisdiction in closing her evidence and posting the matter for arguments vide the impugned order passed on 24.04.2017.

14. Accordingly, this Civil Revision Petition fails and it is dismissed. No order as to costs.

15. Consequently, Miscellaneous petitions pending if any shall stand dismissed.

M.S. RAMACHANDRA RAO, J

06th February, 2019.

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