

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.336 OF 2016

ORDER:

This revision, under Article 227 of the Constitution of India, is filed by the petitioner aggrieved by the docket order dated 27.08.2015 passed in O.P.No.926 of 2012 by the Family Court Judge, Ranga Reddy District at L.B. Nagar.

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

3. Learned counsel for the revision petitioner would submit that on 27.08.2015, the counsel for the revision petitioner/respondent was present and sought time, but the Court below passed the impugned order, which reads as follows:-

“Petitioner present. Respondent not present and counter not filed till date though she is given several opportunities and her Order IX Rule 7 CPC petition being allowed. Hence respondent is set *ex parte* and affidavit of P.W.1 filed. Ex.P1 and P2 are marked. Call on 14.09.2015 for hearing.”

Learned counsel for the revision petitioner would also submit that the Court below ought not have passed such an impugned order and ultimately prayed to allow the civil revision petition.

4. On the other hand, learned counsel for the respondent would submit that the revision petitioner has been dragging the proceedings and on earlier occasion also she was set *ex parte* and her application under Order IX Rule 7 of CPC was allowed and ultimately prayed to dismiss the revision petition.

5. The material placed on record reveals that at the time of passing the impugned order, the revision petitioner was absent and did not file her counter. Even when her earlier application under Order IX Rule 7 of CPC was allowed, she did not take any steps to proceed with the matter.

6. In the given circumstances, the Court below is justified in passing the impugned order. The Court below did not commit any perversity. The Civil Revision Petition is devoid of merit and is liable to be dismissed.

7. In the result, the Civil Revision Petition is dismissed. However, it is made clear that if the revision petitioner chooses to file an application before the Court below, the same has to be considered on its own merits.

The Miscellaneous Petitions, if any, pending shall stand closed.
No costs.

Date: 21.11.2019
ssp

Dr. SHAMEEM AKTHER, J