

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
FRIDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND TWENTY THREE
:PRESENT:
THE HONOURABLE SRI JUSTICE A.SANTHOSH REDDY**

**IA No. 1 OF 2020
IN
CRP NO: 208 OF 2020**

Between:

K. Savitha Bai alias Patangay Savitha, W/o. Patangay Pramod Kumar.

...Petitioner
(Petitioner in CRP 208 OF 2020
on the file of High Court)

AND

Mr. Patangay Pramod kumar, S/o. P.Narayana, Occ. software and computer scientist, R/o. 5-102, Road No. 10, Bhavani Nagar, Dilsukhnagar, Hyderabad-500060 and R/o. 16-11-511/C/32, Pratap Nagar, Dilsukhnagar, R.R.District

...Respondent
(Respondent in-do-)

Counsel for the Petitioner : SMT K. SAVITHA BAI (Party In Person)

Counsel for the Respondent : Sri K. SAI BABU

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the order/Decree in I.A.No. 1150 of 2019 on 10/12/2019 in O.P.No 378 of 2017 (old FCOP.No. 1279/2011) dated 23/10/2018 of the court below, pending disposal of CRP No. 208 of 2020, on the file of the High Court. ✓

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following (The receipt of this order will be deemed to be the receipt of notice in the case) ✓

ORDER:

This application is filed to suspend the order and decree dated 10.12.2019 in I.A.No.1150 of 2019 in OP No.378 of 2017 passed by the learned Judge, Family Court, Ranga Reddy District at L.B.Nagar.

Heard the petitioner – party in person and learned counsel for the respondent.

The petitioner filed the civil revision petition aggrieved by the order dated 10.12.2019 in I.A.No.1150 of 2019 in FCOP No.378 of 2017 passed by the learned Judge, Family Court, Ranga Reddy District at L.B.Nagar.

Initially, the petitioner filed FCOP No.377 of 2017 against the respondent – husband under Section 9 of the Hindu Marriage Act, 1955 for restitution of conjugal

rights. The respondent – husband filed FCOP No.378 of 2017 against the petitioner herein for dissolution of marriage on the ground of cruelty. The learned Judge, Family Court, Ranga Reddy District vide common order dated 23.10.2018 dismissed the FCOP No.377 of 2017 and allowed the FCOP No.378 of 2017 filed by the respondent – husband by granting decree of divorce dissolving the marriage of the petitioner and respondent dated 26.05.2010. Subsequently, the respondent – husband preferred FCA No.01 of 2019 before this Court challenging the legality of the judgment and decree dated 23.10.2018 contending that the learned Judge, Family Court ought to have granted the decree of nullity of the marriage and also entitled divorce on the ground of cruelty. The Division Bench of this Court has categorically held that since the issues 1 to 3 are held in favour of the respondent – husband, there was no need for the Judge, Family Court to specify, in the operating portion of the judgment, that the decree of divorce is being granted on both the grounds and the same was dismissed. In view of the said orders, the review application filed by the respondent – husband was dismissed by the Judge, Family Court vide order dated 25.04.2019.

The impugned application in I.A.No.1150 of 2019 was filed under Section 152 read with Section 153A of CPC to amend the judgment and decree dated 23.10.2018 passed in FCOP No.378 of 2017 by replacing “petitioner” with “respondent” in Para No.19 line 2 of the Judgment and to use “Decree of Nullity” instead of “Decree of Divorce” in both the operative part of judgment and in the decree. The learned Judge, Family Court vide order dated 10.12.2019 allowed the petition and ordered for amendment of the judgment and decree as prayed. Aggrieved by the same, the revision is filed. Where under the petitioner filed the present application seeking the relief of interim suspension of the order and decree dated 10.12.2019, as the petitioner has filed appeals against the judgment and decree and the impugned order was passed without any authority inspite of the orders of the Division Bench of this Court vide FCA No.01 of 2019 dated 28.01.2019.

Learned counsel for the respondent vehemently opposed contending that there was no illegality or irregularity in the order passed by the learned Judge, Family Court and the CRP is not maintainable, as such, there is no question of granting any interim suspension of the impugned order.

The petitioner has raised some of the contentions about the maintainability of the impugned application, whereas the learned counsel for the respondent also has relied on several judgments and opposed for granting any relief, pending CRP.

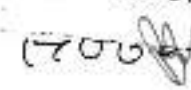
On a careful perusal of the material on record, I am of the view that the contentions raised by the petitioner as well as the respondent counsel needs a comprehensive hearing and the judgments relied on by the respondent counsel can be looked into at the time of disposal of main revision.

Having regard to the facts and circumstances of the case, *prima facie* the relief sought in the impugned application was negatived by the Division Bench of this Court in FCA No.01 of 2019 and the same was not being discussed by the learned Judge, Family Court, while passing the impugned orders, I am of the opinion that in the interest of justice it would be appropriate to suspend the operation of the impugned order and decree dated 10.12.2019.

Accordingly, this application is allowed by suspending the impugned order and decree dated 10.12.2019 in LA.No.1150 of 2019 in OP No.378 of 2017 passed by the learned Judge, Family Court, Ranga Reddy District at L.B.Nagar, pending disposal of the CRP.

//TRUE COPY//

SD/- MOHD. ISMAIL
ASSISTANT REGISTRAR

(700) 
SECTION OFFICER

To,

1. The Judge, Family Court, Ranga Reddy District at L.B.Nagar ✓
2. The Section Officer, CRP Section, High Court at Hyderabad ✓
3. Mr. Patangay Pramod kumar, S/o. P. Narayana, R/o. 5-102, Road No. 10, Bhavani Nagar, Dilsukhnagar, Hyderabad-500060 and R/o. 16-11-511/C/32, Pratap Nagar, Dilsukhnagar, R.R. District (By RPAD) ✓
4. One CC to Smt K. SAVITHA BAI (Party In Person), Advocate [OPUC]
5. One spare copy

HIGH COURT

ASR,J

DATED:16/06/2023

ORDER

IA.NO.1 OF 2020
IN
CRP.No.208 of 2020

SUSPENSION

