

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**MONDAY, THE THIRTIETH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY**

**PRESENT
THE HONOURABLE DR. JUSTICE SHAMEEM AKTHER**

CIVIL REVISION PETITION NO: 1188 OF 2020

Petition under Article 227 of Constitution of India, aggrieved by HMOP No.23 of 2020 on the file of the Court of the Senior Civil Judge, at Miryalaguda.

Between:

Smt. Kalisetti Shirisha @ Reddymasi Shirisha, W/o. Manga Raju, D/o. Reddymasi Hanumantha Rao,

...PETITIONER/ PETITIONER NO.1

AND

Kalisetti Manga Raju, S/o. Sunder Rao,

...RESPONDENT/ PETITIONER NO.2

IA NO: 1 OF 2020

Petition under Section 151 of CPC praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to direct the learned Senior Civil Judge, At Miryalguda, Nalgonda District, Telangana State to receive the petition for waiving of the statutory period in petition Under Section 13-B of Hindu Marriage Act i.e., H.M.O.P.No.23/2020 forthwith

Counsel for the Petitioner : SRI. VIJAY ASHRIT

Counsel for the Respondent :

The Court made the following: ORDER

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.1188 OF 2020

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the petitioner/petitioner No.1, aggrieved by the action of the learned Senior Civil Judge, Miryalaguda, Nalgonda District, in declining to receive the Interlocutory Application filed, under Rule 109 (2) of Civil Rules of Practice, in H.M.O.P.No.23 of 2020 by the petitioner/petitioner No.1 seeking to waive the statutory period of six months in hearing the aforesaid H.M.O.P., which is filed under Section 13B of the Hindu Marriage Act, 1955 (for short, 'the Act').

2. Heard the learned counsel for petitioner/petitioner No.1 and perused the record.

3. The grievance of the petitioner/petitioner No.1 is that she presented an Interlocutory Application, under Rule 109 (2) of Civil Rules of Practice, in H.M.O.P.No.23 of 2020 on the file of Senior Civil Judge, Miryalaguda, Nalgonda District, seeking to waive the statutory period of six (6) months in hearing the aforesaid H.M.O.P., filed under Section 13B of the Act, but the Court below declined to receive the same. The request made on behalf of the petitioner/petitioner No.1 is to direct the Court below to receive the subject application and pass necessary orders in accordance with law.

4. As per the material placed on record, the Court below declined to receive the subject Interlocutory Application, when

presented by the petitioner/petitioner No.1. It is needless to mention that whenever applications are presented before the Court, it is for the Court to receive and examine the same and then pass necessary orders in accordance with law, instead of straightaway declining to receive the same.

5. In the given circumstances, the learned Senior Civil Judge, Miryalaguda, Nalgonda District, is directed to receive the subject Interlocutory Application, filed under Rule 109 (2) of Civil Rules of Practice, in H.M.O.P.No.23 of 2020, examine the same and pass necessary orders in accordance with law.

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

Miscellaneous Petitions, if any, pending in this Civil Revision Petition shall stand closed.

//TRUE COPY//

Sd/-N.CHANDRASEKHAR RAO
ASSISTANT REGISTRAR

SECTION OFFICER

To

1. The Senior Civil Judge, Miryalaguda, Nalgonda District.
 2. One CC to Sri Vijay Ashrit, Advocate (OPUC)
 3. Two CD Copies
- Kj.

HIGH COURT

DATED:30/11/2020



ORDER

CRP.No.1188 of 2020

DISPOSING OF THE CRP WITHOUT COSTS.

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NEMA
13/12/2020.