

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

**FRIDAY, THE SIXTH DAY OF AUGUST
TWO THOUSAND AND TWENTY ONE**

PRESENT

THE HONOURABLE SRI JUSTICE A. RAJASHEKER REDDY

CIVIL REVISION PETITION NO: 1050 OF 2021

Petition under Section 115 of CPC aggrieved by the order dated 29.11.2019 in I.A.No.865 of 2017 in FCOP.No.976 of 2010 on the file of the Court of the Family Court, L.B. Nagar.

Between:

Smt. Vaddula Kalpana, W/o B.V Ramakrishna Reddy, aged about 41 years, Occ Senior Software Engineer r/o Wipro Technologies, Gachibowli, Nanakramguda, Hyderabad

...PETITIONER/PETITIONER/RESPONDENT

AND

Sri. B.V. Ramakrishna Reddy, S/o B.V. Subba Reddy, aged about 43 years, Occ Software employee, Wells Fargo Centre, Divyasree Orion (SEZ) Rayadurga, Hyderabad.

...RESPONDENTS/RESPONDENT/PETITIONER

IA NO: 1 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to dispense the filing of the certified copy of the Order and decree dt: 29.11.2019 in I.A.No.865 of 2017 in FCOP No.976 of 2010 and pass order or orders.

IA NO: 2 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to grant Stay of the Judgment and decree dt: 01-06-2011 in OP No.976 of 2010 on the file of the Family Court, Ranga Reddy District.

Counsel for the Petitioner: SRI T. V. KALYAN SINGH

Counsel for the Respondent:

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

CIVIL REVISION PETITION No.1050 of 2021

ORDER:

This Civil Revision Petition is filed challenging the order dt.29.11.2019 in IA.No.865 of 2017 in FCOP No.976 of 2010 on the file of the Family Court at L.B.Nagar, Ranga Reddy District, wherein and whereby the application filed by the petitioner for condoning the delay of 2318 days in filing petition to set aside the exparte decree dt.01.06.2011 passed in FCOP.No.976/2010, is dismissed.

Learned Counsel for petitioner submits that petitioner was residing in United States of America, as such, she has not received notice in FCOP.No.976/2010; that immediately after coming to know of the exparte decree of divorce, she filed present application for condoning the delay; and that the Court below should have allowed the said petition by condoning the delay.

In this case it is to be seen that admittedly, there is enormous delay of 2318 days in filing petition to set aside the exparte decree dt.01.06.2011. The Court below has considered the said aspect and came to the conclusion that though the petitioner was aware of the divorce,

waited long period and filed the present petition with a delay of more than 6 years. The Court below by relying on the messages exchanged between the parties came to such conclusion. It is also not disputed that meanwhile, the respondent married for the second time and begot two children out of his wedlock. The Court below also found fault with the conduct of the petitioner in approaching the Court with enormous delay. It is also a fact that both the parties are software engineers and well educated and as such it is difficult to believe that petitioner is not aware of the divorce granted on 01.06.2011 and the impugned order also goes to show that even the petitioner also wanted to marry again and for that purpose she sought information from the respondent about the number of OP and the date of the decree, which goes to show that petitioner also wanted to marry and lead life.

In view of the facts and circumstances, I do not see any error warranting interference with the order of the trial Court in refusing to condone the enormous delay of 2318 days and no purpose would be served in allowing the said application as respondent already married for the second and begot two children.

Accordingly, the Civil Revision Petition is dismissed.

No order as to costs.

Miscellaneous petitions, if any pending, shall stand closed.

//TRUE COPY//

SD/- K. SAILESHI
ASSISTANT REGISTRAR

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SECTION OFFICER

To,

1. The Judge, Family Court, L.B. Nagar at Ranga Reddy District.
2. One CC to Sri T. V. Kalyan Singh, Advocate [OPUC]
3. Two CD Copies
4. One Spare Copy

gbr



HIGH COURT

DATED: 06/08/2021



ORDER

CRP.No.1050 of 2021

DISMISSING THE CRP

(5) VLV
21/8/21