

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

TUESDAY, THE TWELFTH DAY OF APRIL
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE Dr. JUSTICE CHILLAKUR SUMALATHA

Civil Revision Petition Nos. 1796, 1797, 1798 and 1806 of 2016

Revisions filed under Article 227 of the Constitution of India, aggrieved by order dated 22.03.2016 in I.A.Nos.452 of 2015, 81, 82, and 83 of 2016 in O.P.No. 8/2002 on the file of the Court of the Senior Civil Judge at Mahabubabad.

Between:

Kandipati Ravi, S/o. Gopaiah, aged about 38 years, occ: Employee in Gram Panchayat, Dornakal village and Mandal, Warangal District.

...Petitioner in all CRPs.

AND

Kandipati Vijayalalitha, W/o. Ravi, aged 35 years, occ: Household, R/o.Mahabubabad Village and Mandal, Warangal District.

...Respondent in all CRPs.

I.A. NO: 1 OF 2016(CRPMP. NO: 2269 OF 2016) in CRP No.1796 of 2016

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 grant stay of all further proceedings in OP.No.8 of 2002 on the file of the Senior Civil Judge at Mahabubabad, pending disposal of the main CRP.

I.A. NO: 1 OF 2016(CRPMP. NO: 2270 OF 2016) in CRP No.1797 of 2016

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 grant stay of all further proceedings in OP.No.8 of 2002 on the file of the Senior Civil Judge at Mahabubabad, pending disposal of the main CRP.

I.A. NO: 1 OF 2016(CRPMP. NO: 2272 OF 2016) in CRP No.1798 of 2016

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 grant stay of all further proceedings in OP.No.8 of 2002 on the file of the Senior Civil Judge at Mahabubabad, pending disposal of the main CRP.

I.A. NO: 1 OF 2016(CRPMP. NO: 2279 OF 2016) in CRP No.1806 of 2016

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 grant stay of all further proceedings in OP.No.8 of 2002 on the file of the Senior Civil Judge at Mahabubabad, pending disposal of the main CRP.

Counsel for the Petitioner: Sri Namavarapu Rajeswara Rao.
(In all CRPs.)

Counsel for the Respondent: Dr. Venkat Reddy Donthi Reddy.
(In all CRPs.)

The Court made the following: **COMMON ORDER:**

THE HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

C.R.P.Nos.1796, 1797, 1798 and 1806 of 2016

COMMON ORDER :

Heard the submission of learned counsel for the revision petitioner as well as learned counsel for the respondent.

2. Challenge in these revision petitions is the common order rendered by the Court of Senior Civil Judge, Mahabubabad, in I.A.No.452 of 2015, I.A.No.81 of 2016, I.A.No.82 of 2016 and I.A.No.83 of 2016, in O.P.No.8 of 2002, dated 22.03.2016.

3. O.P.No.8 of 2002 is filed seeking the Court to grant a decree of divorce. The said petition was filed by the revision petitioner (hereinafter be referred as the "Husband"). In the said Original Petition, the wife moved four applications, the orders of which are now under challenge.

4. I.A.No.83 of 2016 was moved seeking the Court to receive the documents that are filed, I.A.No.82 of 2016 is filed seeking the Court to re-open the case, I.A.No.81 of 2016 is filed seeking the Court to recall PW1/husband, and I.A.No.452 of 2015 is filed seeking the Court to recall the RW1/wife. By common order dated 22.03.2016, the Court allowed all the applications. Aggrieved by the said common order, the husband is before this Court.

5. Learned counsel for the husband submits that the O.P. is of the year 2002 and after a lapse of more than 12 years, these applications are moved only to drag on the proceedings and there is neither any necessity nor any reason for moving those applications and, therefore, the said applications ought not to have been allowed by the trial Court, but it did not do so.

6. *Per contra*, learned counsel for the respondent/wife submits that while the marriage is in subsistence between the parties, the husband led adulterous life and begot three sons through another woman and initially the wife could not gather sufficient material to prove the said fact,

however, thereafter through information obtained under the Right to Information Act, she could collect substantive proof that the three sons are the biological children of the husband and to establish the said fact before the Court, she has moved the applications and, therefore, an opportunity was given by the trial Court to do so.

7. A perusal of the affidavit filed in support of the applications by the wife goes to show that the revision petitioner/husband begot three sons through a lady, by name Hymavathi during the pendency of the proceedings and to prove the said fact, she could collect sufficient documentary evidence and for exhibiting the said documents, she moved those applications. In what manner prejudice is caused to the husband is not made clear. When a serious allegation is made, which goes to the roots of the case, and when a party intends to establish genuineness of the said allegation, the Court has to afford an opportunity to do so. The same is done by the trial Court.

8. This Court does not find any infirmity in the order rendered by the trial Court. Therefore, this Court holds that these revision petitions lack merits and deserve to be dismissed.

9. Resultantly, the Civil Revision Petitions are dismissed. Interim order granted by this Court on 07.04.2016 shall stand vacated. No order as to costs.

10. As a sequel, miscellaneous applications pending, if any, shall stand closed.

//TRUE COPY//

SD/-T.TIRUMALA DEVI
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Court of the Senior Civil Judge at Mahabubabad.
2. One CC to Sri Namavarapu Rajeswara Rao, Advocate [OPUC]
3. One CC to Dr.Venkat Reddy Donthi Reddy, Advocate [OPUC]
4. Two CD Copies
5. One Spare Copy

JCK
SB

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HIGH COURT

DATED:12/04/2022



COMMON ORDER

C.R.P.Nos. 1796, 1797, 1798 and 1806 of 2016

Dismissing the CRPs without costs.

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