

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

**FRIDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

CIVIL REVISION PETITION NO: 2449 OF 2023

Petition Under Article 227 of the constitution of India against the Order dated 26/07/2023 Passed in I.A. No. 19 of 2023 in FC OP No. 1000 of 2016 on the file of the Court of the Additional Family Court, R. R. district at L.B.Nagar.

Between:

Sri Punna Santhosh, S/o. P. Sudharshan, age 43 years, Occ. Business, R/o. H.No.2-3-457/1, Plot No.6, Road No.3, Sainagar Colony, Nagole, Hyderabad-68.

...Petitioner/Respondent/Petitioner

AND

Smt. P. Swapna, W/o. P. Santhosh, Aged Thodati Rajasekhar Reddy, S/o. Thodati Mohan Reddy, Age 40 years, Occ. House-wife, R/o. H. No. 11-13-86/2, Plot No. 10, Haripuri Colony, Saroornagar, Hyderabad-35, Telangana State.

...Respondent/Petitioner/Respondent

IA NO: 2 OF 2023

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 receive the additional documents, medical reports in CRP.No.2449 of 2023 with the interest of justice and to grant such other relief or reliefs as this court deems fit and proper in the circumstances of the case.

IA NO: 1 OF 2023

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 Stay all further proceedings in FCOP No. 1000/2016 on the file of the Additional District Judge, R.R. District at L.B.Nagar, pending disposal of the Revision.

Counsel for the Petitioner : SRI. V M KRISHNA REDDY

Counsel for the Respondents: SRI. MANDA ADAM

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

CIVIL REVISION PETITION No.2449 OF 2023

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the petitioner-husband aggrieved by the order, dated 26.07.2023, passed in I.A.No.19 of 2023 in F.C.O.P.No.1000 of 2016 by the learned Judge, Additional Family Court, Ranga Reddy District at L.B. Nagar.

2. Heard Sri V.M. Krishna Reddy, learned counsel for the petitioner-husband and Sri Manda Adam, learned counsel for the respondent-wife.

3. Learned counsel for the petitioner had contended that the petitioner has filed the subject F.C.O.P. seeking dissolution of his marriage with the respondent and the learned Family Court was pleased to dissolve the marriage *vide* order and decree, dated 19.12.2022. Thereafter, the respondent-wife filed the subject I.A.No.19 of 2023 seeking to set aside the order and decree, dated 19.12.2022, contending that she could not lead her evidence before the learned Family Court as she was suffering with fever and that the learned Family Court has granted *ex parte* decree of divorce. The learned Family Court, *vide* impugned order, dated 26.07.2023, was pleased to set aside the *ex parte*

decree, dated 19.12.2022, and permitted the respondent to contest the case, without appreciating any of the contentions raised by the petitioner. Therefore, appropriate orders be passed in the Civil Revision Petition by setting aside the impugned order, dated 26.07.2023.

4. On the other hand, learned counsel for the respondent had contended that the respondent could not lead her evidence before the Court below, as she was suffering with fever. The moment the respondent came to know about the passing of *ex parte* decree of divorce, she filed the subject I.A. seeking to set aside the same and the learned Family Court, in the interest of justice, has rightly allowed the subject I.A. preferred by the respondent. Therefore, there are no merits in the Civil Revision Petition and the same is liable to be dismissed.

5. This Court, having considered the rival submissions made by the learned counsel for the parties, is of the considered view that the learned Family Court has granted *ex parte* decree of divorce in favour of the petitioner. Seeking to set aside the same, the respondent has filed the subject I.A. and the same was allowed *vide* impugned order, dated 26.07.2023. This Court is of the considered view that the learned Family Court was justified in allowing the subject I.A. filed by the respondent. No prejudice

would be caused to the petitioner, if the respondent contests the subject F.C.O.P. on merits. Therefore, this Court is not inclined to interfere with the impugned order, dated 26.07.2023.

6. Accordingly, the Civil Revision Petition is dismissed. There shall be no order as to costs.

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

SD/-A.V.S. PRASAD
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Additional Family Court, R. R. district at L.B.Nagar
2. One CC to SRI. V M KRISHNA REDDY, Advocate [OPUC]
3. One CC to SRI. MANDA ADAM, Advocate [OPUC]
4. Two CD Copies

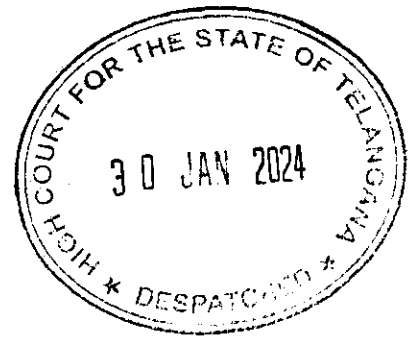
ADK
MY

HIGH COURT

DATED:29/12/2023

ORDER

CRP.No.2449 of 2023



**DISMISSING THE CRP
WITHOUT COSTS**

(6)
MA
30/1/24.