

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

FRIDAY, THE THIRTIETH DAY OF AUGUST  
TWO THOUSAND AND TWENTY FOUR

**PRESENT**

**THE HONOURABLE SRI JUSTICE P.SAM KOSHY**

**CIVIL REVISION PETITION NO: 2521 OF 2024**

Petition Under Article 227 of the constitution of India against the Order dated 18-07-2024 Passed in I.A. No. 487 of 2024 in F.C.O.P. No. 1097 of 2019 on the file of the Court of the Additional Family Court, Ranga Reddy District, at L.B. Nagar.

**Between:**

Bodla Shashikiran, S/o. Nageswara Rao, Age. 41 Years, Occ. Private Employee, R/o. H. No. 9-1-50, Babu Camp, Kothagudem, Bhadradi-Kothagudem District.

**...Petitioner/Respondent/Petitioner**

**AND**

Smt. Bodla Soujanya, W/o. Shashikiran, Age 37 years, Occ. Housewife, R/o. H. No. 3-25, Flat No. 202, Food Land Lane, Hanuman Nagar, Chaitanyapuri, Hyderabad - 500060.

**...Respondent/Petitioner/Respondent**

**IA NO: 1 OF 2024**

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 operation of order dated 18-07-2024 passed in I.A. No. 487 of 2024 in F.C.O.P. No. 1097 of 2019 on the file of the learned Judge, Additional Family Court, Ranga Reddy District, at L.B. Nagar, pending the disposal of the main CRP, in the interest of justice.

**Counsel for the Petitioner : Sri Surya Balu Mahendra**

**Counsel for the Respondent : Naram Nageswara Rao**

**The Court made the following : ORDER**

**THE HONOURABLE SRI JUSTICE P. SAM KOSHY**

**Civil Revision Petition No.2521 of 2024**

**ORDER :**

The instant Civil Revision Petition has been filed by the petitioner under Article 227 of the Constitution of India assailing the order dated 18.07.2024 in I.A.No.487 of 2024 in Family Court Original Petition (FCOP) No.1097 of 2019 passed by the Judge, Additional Family Court, Ranga Reddy District, at Lal Bahadur Nagar (**for short, 'the impugned order'**).

2. Heard Mr.Surya Babu Mahender, learned counsel for the petitioner (husband) and Mr.Naram Nageswara Rao, learned counsel for the respondent (wife).

3. *Vide*, the impugned order, the Court below allowed the I.A. filed by the respondent under Section 151 of Civil Procedure Code, 1908 and Section 45 of the Indian Evidence Act, 1872, and directed the petitioner herein to appear before the Medical Board for conducting potency test on the day fixed by the Medical Board, Osmania General Hospital, Hyderabad.

4. The solitary contention of the learned counsel for the petitioner is that the petitioner had already been subjected to potency test earlier when he was referred by the Medical Board, Osmania General Hospital, Hyderabad to Vijaya Diagnostic Centre for carrying out the said test way back in the year 2016, and therefore, the petitioner cannot be subjected to potency test again and again.

5. Perusal of the records and also taking note of the submissions made by the learned counsel for the petitioner, it does not reflect that the petitioner has, after having undergone the potency test, as is claimed, produced the report of the potency test before the Court below. Further, if one looks into the impugned order, the Court below has made it clear that since there was no proof of the petitioner already having undergone potency test on the previous occasion and report of such potency test also being not available, this Court is of the view that the findings given by the Court below in allowing the I.A. filed by the respondent to be proper, legal and justified, particularly taking into consideration the grounds that she has raised in the F.C.O.P. to substantiate her contention.

6. Be that as it may, even today, learned counsel for the petitioner is not in a position to produce report of potency test to show that the petitioner had been subjected to potency test earlier and that it has a positive result in favour of the petitioner holding him not to be impotent. This aspect also, in the opinion of this Court, has been duly considered by the Court below while deciding the issue as to whether the request of respondent before the Court below to subject the petitioner to potency test to be proper, legal and justified; and the Court below has rightly allowed the I.A. and directed the petitioner to undergo potency test before the Medical Board for conducting potency test on the day fixed by the Medical Board, Osmania General Hospital, Hyderabad.

7. Therefore, for the aforesaid reason, this Court is of the view that no case has been made out by the learned counsel for the petitioner calling for interference with the impugned order under Article 227 of the Constitution of India. Therefore, the Revision fails and the same deserves to be and is accordingly dismissed. No costs.

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

Sd/- P. PADMANABHA REDDY  
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Additional Family Court, Ranga Reddy District, at L.B. Nagar.
2. One CC to Sri Surya Balu Mahendra, Advocate [OPUC]
3. One CC to Sri Naram Nageswara Rao, Advocate [OPUC]
4. Two CD Copies

Svs/DL



HIGH COURT  
DATED:30/08/2024

ORDER

CRP.No.2521 of 2024



DISMISSING THE CRP

⑥  
26/09/24  
bks