

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

**FRIDAY, THE SIXTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HON'BLE SRI JUSTICE P.SAM KOSHY

CIVIL REVISION PETITION No: 3748 of 2024

Petition under Section 115 of C.P.C. against the order dated 19-04-2024 passed in IA.No.682 of 2023 in F.C.O.P.No.1167 of 2022 on the file of the Court of the Additional Family Judge, Ranga Reddy District at L.B.Nagar.

Between:

T.Purushotham, S/o. Paramesh, Age: 28 years, Occ: Pvt. Employee R/o. H.No.2-180, Jillelaguda Village, Balapur Mandal, Ranga Reddy District.

...Revision Petitioner/Respondent

AND

G.Shirisha, W/o. T.Purushotham, D/o. G.Venkatesh, Age: 23 years, Occ: Housewife, R/o. 46-170, Bagath Singh Nagar Colony, Quthbullapur Mandal, Medchal Malkajgiri District.

...Respondent/Petitioner

IA NO: 2 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 stay of all further proceedings in F.C.O.P.No.1167 of 2022, on the file of the Additional Family Judge, Ranga Reddy District at L.B.Nagar, until disposal of the main Revision petition.

**Counsel for the Petitioner: Mr. S. Ravi Kiran Reddy, representing
Mr. Ravi Ankuri**

Counsel for the Respondent: None Appeared

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE P.SAM KOSHY

C.R.P.No.3748 OF 2024

ORDER:

Heard Mr. S.Ravi Kiran Reddy, learned counsel representing Mr. Ravi Ankuri, learned counsel for the petitioner. Perused the record.

2. The challenge in the present civil revision petition is to the order dated 19.04.2024 passed by the learned Additional Family Judge, Ranga Reddy, at L.B.Nagar in I.A.No.682 of 2023 in F.C.O.P.No.1167 of 2022.
3. F.C.O.P.No.1167 of 2022 was filed by the petitioner/husband seeking for dissolution of marriage that took place on 09.10.2019, on the ground of cruelty. The parties are also blessed with a son, born in between. Notice was issued and the same was received by the respondent/wife and since there was no representation, she was proceeded *ex parte* and an *ex parte* decree was passed on 03.03.2023, dissolving the marriage between the parties. Subsequently, when the respondent/wife filed I.A.No.682 of 2023 with a delay of 92 days in filing the petition seeking for

setting aside of the *ex parte* order and after condoning the delay, the interim order was passed.

4. The learned counsel for the petitioner while opposing the impugned order contends that there was a huge delay of 92 days on the part of the respondent/wife in moving the setting aside petition along with Section 5 petition seeking for condonation of the same. The delay of 92 days has not been properly explained, as each day's delay has not been conveyed in the pleadings. However, the trial Court, without properly appreciating the same, in a mechanical manner has allowed the petition recalling the *ex parte* decree and ordering for the further proceedings in the FCOP on merits. According to the petitioner, non-appearance of the respondent/wife before the Family Court was intentional and deliberate, inasmuch as she has refused to accept the notice and, therefore, at this juncture, she should not be permitted to contest case voluntarily having chosen not to contest the case. He further contends that the entire steps that the respondent/wife has taken are to protract the proceedings and to ensure that the petitioner herein

does not again settle in life after getting separation from the respondent/wife.

5. Having heard the contentions of the petitioner, this Court is of the considered opinion that the main dispute is a matrimonial dispute between the petitioner/husband and the respondent/wife. Matrimonial disputes are always to be considered liberally and in a more pragmatic manner. Rules, procedures and technicalities should not come in the way of the dispute between the spouses and the paramount consideration of the Court hearing such disputes would always be that of trying to bridge the gap between the two spouses and ensure all possible help in the re-union of the parties, rather than following the rules and procedures strictly. In the instant case, the *ex parte* decree was passed on 03.03.2023 and in just around three months, with a delay of only 92 days, the setting aside petition was filed. The said delay of 92 days also cannot be said to be inordinately long period of time so as to cause much detriment to the marital relationship. In view of the same, this Court is of the considered opinion that the view taken by the trial Court seems to be proper, legal and justified and does not warrant

interference. Nonetheless, since the FCOP itself is of the year 2022, the learned Family Court is expected to ensure that the same is taken up for hearing expeditiously and conclude the same as expeditiously as possible.

6. The civil revision petition stands rejected with the aforesaid direction. There shall be no order as to costs.

Consequently, miscellaneous petitions pending, if any, shall stand closed.

Sd/- P. CH. NAGABHUSHAMBA
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Additional Family Judge, Ranga Reddy District at L.B.Nagar.
2. One CC to Mr. Ravi Ankuri, Advocate [OPUC]
3. Two CD Copies

Kam/gh



HIGH COURT

DATED:06/12/2024

ORDER

CRP.No.3748 of 2024



**THE CIVIL REVISION
PETITION IS REJECTED**

(B)

fcy
12/2/25