IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

FRIDAY, THE NINETEENTH DAY OF DECEMBER TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE P.SAM KOSHY

CIVIL REVISION PETITION Nos: 4217,4247 & 4251 OF 2025

CIVIL REVISION PETITION NO: 4217 OF 2025

Petition under Article 227 of the Constitution of India, aggrieved by the order dated 08.10.2025 passed in I.A.No. 1905 of 2025 in FCOP No. 430 of 2021 on the file of the court of the Judge Principal Family Court-cum-XIII Additional Metropolitan Sessions Judge, Hyderabad District at Hyderabad.

Between:

Rajitha Mora, D/o. Ravinder Mora, Aged about 32 years, Occ. Charted Accountant, R/o. H.No. 1-9-252/9/116, EWS-2, Q.No. 51, Near YSR Park, East Parsigutta, Ramnagar, Hyderabad.

...Petitioner/Petitioner/Respondent

AND

Venkata Sankara Pavan Sukumar Macharla, S/o. Nagabhushanam Macharla, aged about 35 years, Occ. Physical Trainer, R/o. Plot no. 27, H.No. 7-201, Sirimalle Vihar Colony, Beside SMR Vinay Harmony Country, Lane Opp. to Vaishnavi Oasis Main Gate, Bandlaguda Jagir, Hyderabad.

...Respondent/Respondent/Petitioner

IA NO: 1 OF 2025

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 F.C.O.P No. 430 of 2021 on the file of Learned Principal Family Court-cum-XIII Additional Metropolitan Sessions Judge, Hyderabad District at Hyderabad, pending the disposal of Revision petition.

Counsel for the Petitioner : Ms. Ramaa Swetha Ogirala representing Mr. Madiraju Prabhakar Rao

Counsel for the Respondent : Ms. Pujyam Sai Sri representing Mr. H. Sudhakar Rao

CIVIL REVISION PETITION NO: 4247 OF 2025

Petition under Article 227 of the Constitution of India, aggrieved by the order dated 08.10.2025 passed in passed in I.A.No.1904 of 2025 in FCOP No.430 of 2021 on the file of the court of the Judge Principal Family Court-cum-XIII Additional Metropolitan Sessions Judge, Hyderabad District at Hyderabad.

Between:

Rajitha Mora, D/o Ravinder Mora, Aged about 32 years, Occ Charted Accountant R/o H.No. 1-9-252/9/116, EWS-2, Q.No. 51, Near YSR Park, East Parsigutta. Ramnagar. Hyderabad. **...Petitioner/Petitioner/Respondent**

AND

Venkata Sankara Pavan Sukumar Macharla, S/o Nagabhushanam Macharla, aged about 35 years, Occ. Physical Trainer, R/o Plot no. 27, H.No. 7-201, Sirimalle V har Colony, Beside SMR Vinay Harmony Country. Lane Opp. to Vaishnavi Oasis Main Gate, Bandlaguda Jagir, Hyderabad.

...Respondent/Respondnet/Petitioner

IA NO: 1 OF 2025

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 F.C.O.P No. 430 of 2021 on the file of Learned Principal Family Court-cum-XIII Additional Metropolitan Sessions Court, Hyderabad District at Hyderabad, pending the disposal of Revision petition, in the interest of justice.

Counsel for the Petitioner : Ms. Ramaa Swetha Ogirala representing Mr. Madiraju Prabhakar Rao

Counsel for the Respondent : Ms. Pujyam Sai Sri representing Mr. H. Sudhakar Rao

CIVIL REVISION PETITION NO: 4251 OF 2025

Petition under Article 227 of the Constitution of India, aggrieved by the order dated 08.10.2025 passed in passed in I.A.No.1906 of 2025 in FCOP No.430 of 2021 on the file of the court of the Judge Principal Family Court-cum-XII Additional Metropolitan Sessions Judge, Hyderabad District at Hyderabad.

Between:

Rajitha Mora, D/o. Ravinder Mora, Aged about 32 years, Occ. Charted Accountant. R/o. H.No. 1-9-252/9/116, EWS-2, Q.No. 51, Near YSR Park, East Parsigutta, Ramnagar, Hyderabad. **...Petitioner/Petitioner/Respondent**

AND

Venkata Sankara Pavan Sukumar Macharla, S/o. Nagabhushanam Macharla, aged about 35 years, Occ. Physical Trainer, R/o. Plot no. 27, H.No. 7-201, Sirimalle Vihar Colony, Beside SMR Vinay Harmony Country, Lane Opp. to Vaishnavi Oasis Main Gate, Bandlaguda Jagir, Hyderabad

...Respondent/Respondnet/Petitioner

IA NO: 1 OF 2025

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 F.C.O.P.No.430 of 2021 on the file of learned Principal Family Court-cum-XIII Additional Metropolitan Sessions Court, Hyderabad District at Hyderabad, pending the disposal of revision petition in the interest of justice.

Counsel for the Petitioner : Ms. Ramaa Swetha Ogirala representing Mr. Madiraju Prabhakar Rao

Counsel for the Respondent : Ms. Pujyam Sai Sri representing Mr. H. Sudhakar Rao

The **Court made the following: ORDER**

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HONOURABLE SRI JUSTICE P.SAM KOSHY

C.R.P.Nos.4217, 4247 & 4251 of 2025

DATE OF COMMON ORDER: 19.12.2025

Between :

Rajitha Mora, D/o: Ravinder Mora,
Aged about 32 years, Occ: Charted Accountant,
R/o: H.No. 1-9-252/9/116, EWS-2, Q.No. 51,
Near YSR Park, East Parsiguda, Ramnagar,
Hyderabad.

...Petitioner

AND

Venkata Sankara Pavan Sukumar Macharla,
S/o: Nagabhushanam Macharla,
Aged about 35 years, Occ: Physical Trainer,
R/o: Plot no. 27, H.No. 7-201,
Sirimalle Vihar Colony, Beside SMR Vinay
Harmony Country, Lane Opp. to
Vaishnavi Oasis Main Gate,
Bandlaguda Jagir, Hyderabad.

...Respondent

COMMON ORDER:

Since the *lis* involved in the instant Civil Revision Petitions is between the same parties, they are heard together and are being decided by this Common Order.

2. Heard Ms. Ramaa Swetha Ogirala, learned counsel appearing on behalf of Mr. Madiraju Prabhakar Rao, learned counsel for the petitioner; and Ms. Pujyam Sai Sri, learned counsel appearing on behalf of Mr. H.Sudhakar Rao, learned counsel for the respondent.

3. C.R.P.No.4217 of 2025 is filed by the petitioner assailing the order passed by the Judge, Principal Family Court-cum-XIII Additional Metropolitan Sessions Court, Hyderabad (for short, the 'Family Court'), in I.A.No.1905 of 2025 in O.P.No.430 of 2021, decided on 08.10.2025, whereby the request of the petitioner to recall the evidence of PW.1 for cross-examination by petitioner's counsel was dismissed.

4. C.R.P.No.4247 of 2025 is one filed by the petitioner assailing the order passed by the Family Court in I.A.No.1904 of 2025 in O.P.No.430 of 2021, decided on 08.10.2025, requesting the Family Court to set aside the order dated 15.05.2025, whereby the right of the petitioner to cross-examine PW.1 stood closed.

5. Lastly, C.R.P.No.4251 of 2025 filed by the petitioner assailing the order passed by the Family Court, in I.A.No.1906 of 2025 in O.P.No.430 of 2021, decided on 08.10.2025, whereby the request

of the petitioner to reopen the evidence of PW.1 for the purpose of cross-examination by petitioner's counsel was also dismissed.

6. For convenience, the facts in C.R.P.No.4247 of 2025 are discussed hereunder.

7. A perusal of the pleadings would go to show that PW.1 has filed his chief evidence affidavit on 12.12.2023 and the matter thereafter stood for cross-examination of PW.1. It is contended that in spite of repeated opportunities being granted, the petitioner was evading the cross-examination, and in the process on 15.05.2025 the right of the petitioner for cross-examination stood foreclosed.

8. What weighs more in the mind of this Court is the fact that the dispute is primarily between husband and wife and O.P.No.403 of 2021 is one which has been filed by the respondent / husband seeking restitution of conjugal rights, whereas, O.P.No.639 of 2021 is one which was been filed by the petitioner / wife seeking dissolution of the marriage, and in the process, PW.1 filed his chief evidence affidavit on 12.12.2023. However, the Family Court appointed an Advocate Commissioner i.e. Rehana Khanam for recording the cross-examination of PW.1. Since several dates were

granted and the cross-examination could not happen, the right to cross-examination was closed and the matter stood fixed for evidence of the respondent.

9. The contention of the learned counsel appearing for the petitioner is that the impugned order has been passed objecting as if several opportunities were granted to the petitioner to cross-examine. In fact, the default on the part of the petitioner was only two days and that too was because of certain compelling personal reasons and not for any other reason or for protracting the proceedings. It is further contended that since couple of I.As. were filed in between, cross-examination could not happen and that was not the fault of the petitioner as has been projected by the Family Court.

10. Learned counsel appearing for the respondent, however opposed the Revision and supporting the findings given by the Family Court contended that the petitioner does not want to ensure early disposal of the proceedings and only wants to protract the matter and in the process adopted all these tactics.

11. Be that as it may. Considering the fact that firstly the dispute in the instant case is primarily between two spouses, secondly considering the fact that there are in fact two suits filed by either side which are under consideration in the Family Court and, thirdly, for the reason that it is only the right to cross-examine which has been foreclosed by the Family Court and the trial is still at the evidence stage, no prejudice would be caused to the interest of the respondent if the petitioner is permitted to cross-examine PW.1 on the next date of hearing which is fixed on 13.01.2026.

12. Further, given the fact that there is still sufficient time available and the evidence of PW.1 has already been brought on record, the impugned order dated 08.10.2025, passed by the Family Court in three I.As. i.e. I.A.Nos.1904, 1905, and 1906 of 2025 is set aside. The Family Court is directed to ensure that on the next date of hearing i.e. on 13.01.2026, the petitioner shall without fail cross-examine PW.1 and thereafter the matter be proceeded in accordance with law and decided as expeditiously as possible.

13. Since the matter is now fixed on 13.01.2026 before the Family Court, this Court is further observing that there would not be any further requirement of any notice to the parties to remain present on 13.01.2026, and on 13.01.2026, PW.1 shall also remain present before the Family Court so that the petitioner herein can cross-examine PW.1. It is further clarified that the petitioner will not be granted any adjournment for cross-examination of PW.1 and in any case if the petitioner shows any reluctance in cross-examination or adopts any delay tactics for cross-examination of PW.1, the order passed by this Court today would lose its effect and the Family Court would be at liberty to proceed and decide the case on its own merits. Since on the earlier occasion there was an Advocate Commissioner who was appointed for cross-examination and which did not happen, this time, this Court is directing PW.1 to remain present before the Family Court and let cross-examination be conducted before the Family Court itself on 13.01.2026.

14. With the aforesaid observations and directions, the instant three C.R.Ps. stands allowed.

15. As a sequel, miscellaneous petitions pending if any, shall stand closed. However, there shall be no order as to costs.

Sd/- N CHANDRA SEKHAR
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Judge Principal Family Court-cum-XIII Additional Metropolitan Sessions Judge, Hyderabad District at Hyderabad.
2. One CC to Mr. Madiraju Prabhakar Rao, Advocate [OPUC]
3. One CC to Mr. H. Sudhakar Rao, Advocate [OPUC]
4. Two CD Copies

DL/SA

HIGH COURT

DATED:19/12/2025



COMMON ORDER

CRP Nos: 4217, 4247 & 4251 OF 2025

ALLOWING THE C.R.Ps

Coopies
by
21/1/26