

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

MAIN CASE No.: C.M.A.No. 133 of 2026

PROCEEDING SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE
2	24.04.2026	<u>RNT, J&BM, J</u> On 13.03.2026, we passed the following order: <i>“The respondent – husband filed DOP under Section 10(1)(x) of Indian Divorce Act seeking divorce from the appellant-wife. In the said case she was set ex-parte on 07.08.2024 and thereafter the ex-parte decree of divorce was passed on 28.08.2024. She filed an application i.e., I.A.No.879 of 2024 under Order 9 Rule 13 and Section 151 CPC to set aside the exparte decree along with the application for condonation of delay i.e., I.A.No.878 of 2024.</i> <i>2. The application for condonation of delay was allowed finding that the cause shown was sufficient by an order dated 20.01.2026.</i> <i>3. However, I.A.No.879 of 2024 under Order 9 Rule 13 CPC has been rejected on the same date.</i> <i>4. The cause set up in the application under Order 9 Rule 13 CPC was that the appellant-wife engaged a counsel who did not file the vakalat. Learned Trial Court found that the vakalat was filed and therefore, the cause stated in the affidavit was not correct. Consequently, the application was rejected.</i> <i>5. Learned counsel for the appellant submits that even if the vakalat was filed but the counsel did not appear and so an order to proceed ex-parte was passed and finally the ex-parte decree was also passed. He submits that the appellant had no fault and once the Court found that she had engaged a counsel who had filed vakalat but did not</i>	

		<i>appear, and the dispute being matrimonial adversely affected the status of the applicant, as wife and that too by an ex-parte, a lenient view had to be taken, to set aside the ex-parte decree, particularly when the delay of 40 days, had been condoned.</i> 6. <i>The matter requires consideration.</i> 7. <i>Issue notice to the respondent.</i> 8. <i>In addition to the normal mode of service, the appellant is permitted to take out personal notice to the respondent by registered post and acknowledgment due and file proof of service in the Registry before the next date of listing.</i> 9. <i>Post on 24.04.2026.</i> 10. <i>On the appearance of respondent, the Court will consider to refer the parties to mediation for an amicable resolution of the dispute.”</i> 2. Ms.Yamini Sahu, learned counsel appears for the respondent/husband and submits that the respondent is ready and willing for amicable resolution of the dispute through the process of mediation. 3. Learned counsel for the appellant/wife also submits the same. 4. Accordingly, the parties shall appear before the mediation and conciliation centre of this Court on 06.05.2026, which would be the first date. The subsequent dates for sessions shall be fixed by the mediation centre. The mediation centre through its mediators shall make endeavour to complete the proceedings within a period of three months from the date of first appearance of the parties, and submit the report to this Court. Contd...	
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		5. Let the copy of this order be sent to the mediation centre of this Court with the particulars of this case. 6. Since the parties are being referred to the mediation, cconsidering the submissions advanced as also the consequences vide from the divorce decree, we stay operation of the decree of divorce and the parties shall not remarry, till the next date of listing. 7. Post after the receipt of the report from the mediation centre. RNT, J BM, J Pab	
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