

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

CRP No.457 of 2015

Oral Order:

This Civil Revision Petition is directed against the order dated 23.12.2004 passed in I.A.No.1668 of 2014 in O.S.No.275 of 2012 on the file of the court of the Principal Junior Civil Judge, Ananthapur.

The petitioner herein is the defendant no.1 in the suit filed by the respondent-plaintiff seeking recovery of money. As the petitioner did not enter appearance and contested the suit in spite of service of summons, the same was decreed exparte on 29.8.2012. The petitioner filed petition to set aside exparte decree and to hear the suit on merits and also I.A.No.1668 of 2014 seeking condonation of delay of 662 days in filing the petition to set aside the exparte decree. Having considered the matter the Court below dismissed the I.A. Hence, this Civil Revision Petition.

The case of the petitioner is that she was residing in Borampalli village of Kalyandurg Mandal from 2006 onwards and that she was not residing in the address mentioned in the summons and therefore she did not receive the suit summons and

had no knowledge about filing of the suit and that she came to know about ex-parte decree in the suit only when she received notice in E.P.No.414 of 2014. According to the petitioner, in the said E.P., address of the petitioner is mentioned correctly. On receiving notice in the said E.P., the petitioner enquired and found out that wrong address was mentioned in the suit and thus no notice was served in the suit. Having regard to the same petitioner sought for condonation of delay in filing petition to set aside ex-parte order.

The trial Court did not agree with the said submission as no material was filed by the petitioner in support of the contention that the petitioner was not residing in the address mentioned in the suit and was residing in Borampalli Village of Kalyandurg Mandal. Even in the affidavit filed in support of the petition no details were furnished stating that she was not residing in the said address and that she has been residing in another place since 2006. That apart the Court below also held that the record would disclose that Process Server served summons on both the defendants (including petitioner herein) and endorsement on it was made on 13.7.2012 and the same were received by the Court under A.No.2651.

Considering the facts and circumstances of the case, and following the judgment of this Court in A. JOHN BIDELAR v. GANGI SETTY MADDILETI ^[1], the Court below rightly dismissed the I.A. I see no illegality, irregularity or error of jurisdiction by the court below warranting interference of this Court.

There is no merit in the Civil Revision Petition and is dismissed at the admission stage.

JUSTICE P.

NAVEEN RAO

Dated : 9.3.2015

kk

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

CRP No.457 of 2015

9.3.2015

[\[1\]](#) 2010(6) ALT 360