

HON'BLE SRI JUSTICE R.SUBHASH REDDY

CIVIL REVISION PETITION No.4941 of 2015

ORDER :

This Civil Revision Petition, under Section 115 of C.P.C., is filed against the order dated 31.08.2015 in I.A.No.2562 of 2015 in AS (SR).No.10456 of 2015 passed by the Chief Judge, City Civil Court, Hyderabad.

The suit in O.S.No.1240 of 1982 on the file of the V Senior Civil Judge, City Civil Court, Hyderabad is filed by the petitioner herein against the respondents herein for recovery of possession of the suit property and mesne profits. By judgment dated 18.03.2015, the said suit was decreed. It is stated that as against the same, the 2nd defendant carried the matter in appeal and the same is pending consideration. The present appeal in AS(SR).No.10456 of 2015 is filed by the 1st defendant and, as there was a delay of 81 days in filing such appeal, the present I.A. is filed seeking to condone the delay. By the impugned order, the Court below allowed the I.A. Hence, this revision.

In this revision, learned counsel for the petitioner submitted that the Court below ought not to have condoned the delay as the 1st respondent/1st defendant has not properly putforth the reasons for the delay.

In the affidavit filed in support of the present I.A, it is categorically stated by the 1st defendant that as the disposal of the

suit in O.S.No.1240 of 1982 was not informed to him by his counsel, he was not aware of the same. It is also stated that after coming to know of passing of the judgment in the said O.S, he obtained certified copy of the same on 19.06.2015 and filed the present appeal.

Having regard to the reasons stated in the affidavit filed in support of the I.A, it cannot be said that no valid reasons for the delay are assigned. Further, it is to be noticed that against the very same judgment passed in O.S.No.1240 of 1982, the 2nd defendant has also filed another appeal and the same is pending. Hence, I do not see any merit in this revision to interfere with the impugned order.

Accordingly, the Civil Revision Petition is dismissed. No order as to costs.

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

JUSTICE R. SUBHASH REDDY

20.11.2015

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