

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA

PRADESH
(Special Original Jurisdiction)

THURSDAY, THE NINETH DAY OF JULY
TWO THOUSAND AND FIFTEEN

PRESENT

THE HON'BLE SRI JUSTICE SANJAY KUMAR

CIVIL REVISION PETITION No.1747 of 2015

BETWEEN

P.Umapathi Rao

... PETITIONER

AND

Jallipalli Subrahmanyam and antoher

...RESPONDENTS

The Court made the following:

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ORDER:-

This revision petition arises out of the order dated 18.03.2015 passed by the learned II Additional District Judge, West Godavari, Eluru, dismissing E.A.No.22 of 2015 in E.A.No.50 of 2014 in E.P.No.141 of 2007 in O.S.No.62 of 2006. The said E.A. was filed by the petitioner herein for condonation of the delay of eleven days in seeking restoration of E.A.No.50 of 2014 filed by him, in the capacity of a claim petitioner, in E.P.No.141 of 2007 arising out of O.S.No.62 of 2006.

2. Perusal of the order under revision reflects that E.A.No.50 of 2014 was dismissed taking into account the fact that several adjournments had been

granted upon imposition of costs but despite the same, there was no representation when the E.A. was taken up, thereafter. The subject E.A. was filed seeking condonation of eleven days delay in filing an application for restoration of E.A.No.50 of 2004.

The said E.A. was supported by the affidavit of the advocate's clerk. The court below however found that the provisions mentioned in the affidavit were incorrect and the affidavit was a proforma affidavit in which certain blanks had not been correctly filled. These facts weighed with the court below in coming to the conclusion that the application had been filed callously. Given the totality of the circumstances, which demonstrated the conduct of the petitioner/claimant, the court below found no merits or *bona fides* in his favour and accordingly dismissed the E.A.

3. Though Sri G.Vasantha Rayudu, learned counsel for the petitioner, would contend that the delay was only eleven days and therefore, the court below ought to have been more liberal in dealing with the application, this court is not persuaded to agree. Minimum care has to be taken while filing applications before the court. In the absence of such care being taken, the litigant cannot expect the indulgence of the court as a matter of course. It is high time that minimum standards are maintained and applications are not filed before the courts with utter carelessness and disregard. This court therefore finds no reason to interfere with the order passed by the court below holding to that effect.

The civil revision petition is devoid of merit and is accordingly dismissed. Pending miscellaneous petitions shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

July 9, 2015
LMV