

**HON'BLE SRI JUSTICE DILIP B. BHOSALE**

**CIVIL REVISION PETITION No. 4252 OF 2011**

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**P.C:**

Heard Sri S. Ravi, learned Senior Counsel for the petitioner and Sri S. Niranjan Reddy, learned counsel for the respondent.

This C.R.P is against the order dated 09-08-2011, allowing I.A No. 1590 of 2010 in OPSR No.2225 of 2010. The interim application was filed by the respondent – original plaintiff, under Section 148 read with Section 151 of the Code of Civil Procedure, for seeking condonation of 99 days delay caused in re-submitting the matter after complying the office objections raised by the office.

I have perused the order dated 09-08-2011. The entire order is revolving around Section 148 of the Code of Civil Procedure. The learned Judge, according to Mr. Ravi, has not considered the case on merits at all. In other words, he submits that neither the counter filed by the petitioner nor the judgments relied upon by them were considered by the Court below while dealing with I.A No. 1590 of 2010. Insofar as Section 148 of the Code of Civil Procedure is concerned, he submits that after considering the contentions based on Section 148, the Court below ought to have considered the case on merits for enlargement of time beyond the period of 30 days under Section 151 of the Code of Civil Procedure. Merits of the case, he submits, in the light of the judgments cited by the petitioner ought to have been considered independently. In view of the submissions of Mr. S. Ravi, when I expressed that the matter can go back for considering the interim application afresh under Section 151 of the Code of Civil Procedure, learned counsel for the parties have agreed for the same and fairly stated that I need not record long reasons for disposing of the C.R.P. Thus,

I am satisfied that the following order shall meet the ends of justice:

“The order dated 09-08-2011, impugned in the present petition, is set aside. I.A No. 1590 of 2010 is restored to file.

The Court below is directed to consider the interim application under Section 151 of the Code of Civil Procedure, afresh on merits in accordance with law and dispose of the same, as expeditiously as possible, and preferably before the end of July, 2015. All contentions on merits are kept open.”

With these observations, the C.R.P is disposed of.

Miscellaneous petitions, if any, also stand disposed of.

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**DILIP B. BHOSALE, J**

24-04-2015

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