

THE HON'BLE SRI JUSTICE K.C.BHANU

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CIVIL REVISION PETITION No.4908 OF 2014

ORDER:

This Civil Revision Petition, under Section 115 of the Code of Civil Procedure, 1908 (for short, 'CPC'), is directed against the order and decree, dated 20.06.2014, in E.A.No.25 of 2013 in E.A.No..... of 2013 (CFR.No.1215 of 2011) in E.P.No.50 of 2000 in Original Suit No.151 of 1999 passed by the Principal Junior Civil Judge, Gurazala.

2. The aforesaid Execution Application was filed under Section 5 of the Limitation Act, 1963 (for short, 'the Act') to condone the delay of 514 days in filing the review petition against the order, dated 09.12.2011, in E.A.No..... of 2011 (C.F.R.No.1215 of 2011) in E.P.No.50 of 2000 in Original Suit No.151 of 1999 and the same was dismissed on the ground that the delay has not been properly explained. Challenging the same, the present Civil Revision Petition is filed.

3. Learned counsel for the petitioner/judgment debtor contended that aggrieved by the dismissal order, dated 09.12.2011, the petitioner filed W.P.No.28198 of 2012 before this Court and after arguing the case, the counsel appearing for the petitioner sought permission to withdraw the case and accordingly, this Court dismissed the Writ Petition as withdrawn and advised the petitioner to avail the relief before the competent Civil Court and therefore, he prays to allow the Civil Revision Petition.

4. On the other hand, learned counsel for the respondents contended that in the entire affidavit filed in support of the petition, the delay of 514 days in filing the review petition has not been explained and therefore, the Court below rightly dismissed the application and that order needs no interference by this Court.

5. Condonation of delay is entirely within the discretion of the Court but, however, that discretion has to be exercised judiciously. If a person is prevented by a sufficient cause from approaching the Court in time, then it can be said to be a sufficient reason within the meaning of Section 5 of the Act. In the entire affidavit filed in support of the petition, no explanation was given as to why the delay of 514 days has occurred in filing the review petition. Therefore, the trial Court after considering this aspect of the case, rightly dismissed the application and that order needs no interference by this Court.

6. Accordingly, the Civil Revision Petition is dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this Civil Revision Petition shall stand closed.

JUSTICE K.C.BHANU

MARCH 27, 2015

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THE HON'BLE SRI JUSTICE K.C.BHANU

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DATE: 27.03.2015

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