

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

CIVIL REVISION PETITION No.2964 of 2015

ORDER:

The petitioner herein is alleged to be a tenant of the premises bearing No.1-8-1, Baghlingampally, Hyderabad. The respondents herein, claiming to be the landlord, filed R.C.No.466/2006 on the file of the Court of the learned II Additional Rent Controller, City Civil Court, Hyderabad, seeking eviction of petitioner from the said premises on the ground of denial of title and wilful default. The said petition was dismissed by order dated 30.12.2009. The respondents herein did not prefer the appeal within time, but filed I.A. No.551/2015 seeking condonation of delay of 1925 days in filing the appeal. The said application was posted for appearance of the petitioner on 02.06.2015 and when he did not appear, he was set *ex parte* and the case was posted to 09.06.2015. On 09.06.2015, the application of the respondents was allowed on payment of cost of Rs.2,000/- in D.L.S.A. on or before 22.06.2015. In the meanwhile, the petitioner herein filed I.A. No.607/2015 to set aside the said *ex parte* order dated 02.06.2015, and also filed I.A. (SR) No.3246/2015 for advancing the date from 22.06.2015 to 19.06.2015 and for filing counter. Those two applications are pending.

I have carefully perused the affidavit filed in support of I.A.No.551/2015, and in view of the averments made therein, the lower appellate Court should have taken those averments into consideration and given a finding before condoning the delay, even in the absence of the petitioner herein, but no reason was given. In the circumstances, this Court is inclined to set aside the order in I.A. No.551/2015 dated 09.06.2015, and I.A.No.551/2015 is remanded to the lower appellate Court for passing fresh orders in accordance with law.

Accordingly, this Civil Revision Petition is allowed. No order as to costs.

Miscellaneous Petitions, if any, pending in this Civil Revision Petition shall stand closed.

A.RAMALINGESWARA RAO, J

17.12.2015

MVA