

**IN THE HIGH COURT OF JUDICATURE AT
HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

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CIVIL REVISION PETITION No.5115 OF 2014

Between:

P.Rama Kumari

.. Petitioner

and

M/s.Shriram Transport Finance Co. Ltd., Kadapa,
rep. by its Authorized Signatory/Branch Manager, Kadapa City
and District and another.

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 20.7.2015

SUBMITTED FOR APPROVAL:

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**THE HON'BLE SRI JUSTICE R.SUBHASH REDDY
AND
THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA**

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| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals? | Yes/No |
| 3. Whether Their Ladyship/Lordship wish to
see the fair copy of the Judgment? | Yes/No |

**THE HON'BLE SRI JUSTICE R.SUBHASH REDDY
AND
THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA**

CIVIL REVISION PETITION No.5115 OF 2014

ORDER:- (per Hon'ble Sri Justice R.Subhash Reddy)

This Civil Revision Petition is filed aggrieved by the order, dated 25.11.2014, passed in I.A.No.1325 of 2014 in A.O.P. (SR)No.5851 of 2014 by the learned Principal District Judge, Kadapa.

2. By the aforesaid order, the Civil Court has dismissed the petition filed by the petitioner herein under Section 5 of the Indian Limitation Act, 1963 (for short, "the Act") in preferring A.O.P.(SR).No.5851 of 2014 in which the petitioner has questioned the Arbitration Award, dated 21.5.2011, passed by the Sole Arbitrator at Proddatur.

3. The Civil Court has passed the impugned order mainly by relying on the judgment of the Hon'ble Supreme Court in **State of Himachal Pradesh and another v. Himachal Techno Engineers and another**^[1] wherein it is held that if a petition is to be filed questioning the Award of the Arbitrator, the same has to be filed within the prescribed period of three months and the Court has discretion to condone the delay only to an extent of 30 days provided sufficient cause is shown. It is further held that even if sufficient cause is shown and the petition is not filed within 30 days, then, no petition can be entertained under Section 5 of the Act.

4. In the present case on hand, it is not in dispute that the petition for condonation of delay was filed after expiry of 120 days from the

date of communication of the Award. Hence, in view of the judgment of the Hon'ble Supreme Court referred to above, we do not find merit in this case. The Civil Revision Petition is devoid of merit and is liable to be dismissed.

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

JUSTICE R.SUBHASH REDDY

JUSTICE A.SHANKAR NARAYANA

Date: 20.7.2015
AMD

**THE HON'BLE SRI JUSTICE R.SUBHASH REDDY
AND
THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA**

CIVIL REVISION PETITION No.5115 OF 2014

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Dated: 20.7.2015

AMD

[\[1\]](#) 2011 (1) ALD 16 (SC)