

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

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CIVIL REVISION PETITION No.1998 OF 2015

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

This revision petition is filed aggrieved by the order, dated 01.04.2015, passed in E.A.No.2 of 2014 in E.A.No.1226 of 2013 in E.P.No.25 of 2012 by the Ill Additional Chief Judge, City Civil Court, Hyderabad.

Petitioner has suffered an Award under the provisions of the Arbitration and Conciliation Act, 1996. To execute the same, respondent No.1 has filed E.P.No.25 of 2012, in which the petitioner was set *ex parte*. To set aside the same, petitioner has filed E.A.No.1226 of 2013, which was dismissed on 12.12.2013. Aggrieved by the same, the present E.A.No.2 of 2014 is filed supported by the affidavit filed by one D.V. Ramana Sarma, who is the counsel appearing for the petitioner before the Court below.

Having heard the learned counsel for petitioner and the learned counsel for 1st respondent, we have perused the affidavit filed in support of E.A.No.2 of 2014.

In the affidavit filed in support of E.A.No.2 of 2014, it is stated by the counsel appearing for the petitioner before the Court below that in view of his daughter's marriage to

be celebrated on 25.12.2013, he could not present in the Court when the matter was called, but the Court below on the ground that the petitioner could have taken steps to represent the matter on the date when the matter was listed, dismissed the E.A.. Further, it is brought to our notice that challenging the very same Award, O.P. is filed before the District Court and the same is at SR stage.

It is not in dispute that the marriage of the petitioner counsel's daughter was celebrated on 25.12.2013 and as such, it appears that he was busy in connection with the same. Hence, we are of the view that it is a valid reason and the Court below ought to have accepted the same for setting aside the order of dismissal, dated 12.12.2013, passed in E.A.No.1226 of 2013.

For the aforesaid reasons, the revision petition is allowed and the impugned order, dated 01.04.2015, is set aside. Consequently, E.A.No.2 of 2014 stands allowed. Miscellaneous Petitions, if any, pending in this revision petition, shall stand closed. No costs.

REDDY, J

R. SUBHASH

NARAYANA, J

A. SHANKAR

September 14, 2015
MD