

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

FRIDAY THE TWENTYTHIRD DAY OF JANUARY
TWO THOUSAND AND FIFTEEN

HONOURABLE SRI JUSTICE S.V. BHATT

CIVIL REVISION PETITION NO. 4473 OF 2014

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Between:

Poojari Narsimha ... Revision Petitioner

V/s.

Poojari Babu ... Respondent

Counsel for the Petitioner : Sri V.Hanmanth Rao

Counsel for the Respondent : None appeared

The court made the following : [order follows]

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ORDER:

Defendant in OS.No. 55 of 2012 in the court of Junior Civil Judge, Kollapur is the Revision Petitioner. The suit was decreed on 26/02/2013. The defendant filed appeal with an application under section 5 of the Limitation Act, to condone the delay of 433 days in filing the appeal. Through the order impugned the learned Senior Civil Judge, Nagarkurnool, dismissed the application. Hence Revision.

2. Learned counsel for the petitioner while being fair and candid to the Court stated that the affidavit filed in support of the present application no doubt is bereft of reasons. To convince this Court that the Revision Petitioner ought to be given an opportunity to assail the findings recorded in OS.No. 55 of 2012 my attention to a few of the findings recorded by the learned trial Judge is invited and consequently prayed for condoning the delay.

3. I have perused the material available on record and noted the contentions of learned counsel for the petitioner.

4. In the present CRP this court cannot consider the legality of findings recorded by the learned trial Judge in OS.No. 55 of 2012. The appeal is filed with a delay of 443 days, the reasons as rightly pointed by the appellate court are reasons muchless having a flair of sufficient cause to condone the delay. When the affidavit does not disclose reason or cause, the appellate court rightly dismissed the application, I do not see any ground attracting jurisdiction of this court under section 115 of CPC to correct error of jurisdiction and illegality.

5. Civil Revision Petition is dismissed. No order as to costs.

6. As a sequel, Miscellaneous Petitions if any, pending in this civil revision petition shall stand closed.

JUSTICE S.V. BHATT.

23/01/2015

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