

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

Civil Revision Petition No.2835 of 2015

Dated 24th July, 2015

Between:

Jampu Chinavenkateswarlu

...Petitioner

And

Gurram Singaramma

...Respondent

Counsel for the peatitioner: Sri A.Sharat Chandra

for Sri P.Nagendra Reddy

Counsel for the respondents: ----

The Court made the following:

ORDER:

This civil revision petition arises out of order, dated 27.004.2015, in I.A.No.3 of 2015, in O.S.No.39 of 2012, on the file of the learned Junior Civil Judge, Piduguralla.

The respondent filed the above-mentioned suit for recovery of possession of the suit schedule property. Having entered appearance in the suit, the petitioner failed to file written statement, as a result of which, he was set *ex parte* and an *ex parte* decree was passed against him on 26.09.2012. On 08.12.2014, the petitioner filed an application for setting aside the *ex parte* decree. He has also filed I.A.No.3 of 2015 under Section 5 of the Limitation Act, 1963 for condonation of delay of 802 days in filing the said application. In his affidavit filed in support of the application, the petitioner has stated as under:

"I submit that the plaintiff filed a suit for recovery of possession on the basis of document. In this Suit the Hon'ble Court was posted the above case on 17.09.2012 for filing of

Written Statement. But on that day we went to Bangalore for my livelihood. Due to my non appearance, and without filing of written statement in my side, the Hon'ble Court was pleased to set ex party and Posted for plaintiff evidence and later few days suit is decreed by the Hon'ble Court on 26.09.2012. Now the present case was pending before the Hon'ble Court as E.P.for JDR/Respondent evidence on 09.12.2014. Now I am ready to file Written Statement on behalf. In this case, there is a fair chance to win the case. Without restore the suit, I will be put to irreparable loss. But within 30 days, I could not file Order 9 Rule 13 of CPC petition."

Except stating that he has left for Bangalore in search of his livelihood, the petitioner failed to explain as to why he has neglected to file written statement and know the stage of the suit. A party who is not diligent in pursuing his cause cannot seek indulgence of the Courts. Leave alone assigning convincing reasons, no attempt is made by the petitioner to offer any semblance of explanation, which is worthy of acceptance. Therefore, the lower Court is fully justified in declining to condone the long delay of 802 days in filing the application for setting aside the *ex parte* decree.

For the above mentioned reasons, the civil revision petition is dismissed.

As a sequel to disposal of the civil revision petition, C.R.P.M.P.No.3784 of 2015 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

24th July, 2015
VGB