

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

CIVIL REVISION PETITION No.4185 of 2014

Date:23.01.2015

Between:

Ch.Balakrishna,
S/o Amaraiah

..... Petitioner

And:

L.Srinivasa Rao,
S/o Koteswara Rao

...Respondent

Counsel for the Petitioner: Dr.P.B.Vijaya Kumar

Counsel for the Respondent: None appeared

The Court made the following:

ORDER:

This Civil Revision Petition arises out of order, dated 10.09.2014, in I.A.No.1374 of 2014 in O.S.No.2237 of 2008 on the file of learned I Additional Senior Civil Judge, Ranga Reddy District at L.B.Nagar.

The petitioner filed the above-mentioned suit against the respondent for recovery of a sum of Rs.3,25,000/-. As the suit summons were not served on the respondent-defendant, the same was coming up for

taking steps for service of summons on the respondent through alternative methods. On 21.04.2010, the suit was dismissed for default due to the failure of the petitioner to take steps for service of notice on the respondent through alternative methods. Later on, the petitioner has filed an application for restoration of the suit. As there was delay in filing the said application, he has filed I.A.No.1374 of 2014 under Section 5 of the Limitation Act for condonation of delay of 404 days. This application was dismissed by the lower Court mainly on the ground that the petitioner failed to file any medical evidence in support of his illness.

A perusal of the affidavit, filed in support of I.A.No.1374 of 2014 shows that the only ground mentioned by the petitioner for not taking steps for service of notice on the respondent through alternative methods and for not filing the restoration application in time was his purported illness. The petitioner has failed to file any material such as doctor's certificate and medical prescriptions in support of his plea of illness. Therefore, the lower Court has rightly dismissed the said application. Hence, I do not find any reason to interfere with the order of the lower Court and the Civil Revision Petition is, accordingly, dismissed.

*JUSTICE C.V.NAGARJUNA
REDDY*

*23rd January, 2015
DR*