

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

CIVIL REVISION PETITION No.4220 of 2015

ORDER:

This revision is directed against an order passed in interlocutory application No.514 of 2012 in O.S.No.113 of 2006. The said application was moved by the defendants in the suit, seeking condonation of delay of 40 days in preferring an application under Order 9 Rule 13 CPC. It is stated that PW.1 was examined and Exs.A1 to A30 were also got marked and at the time when PW.1 was to be cross-examined, the petitioners have approached on behalf of their counsel Sri C. Panduranga Rao and unfortunately, Sri Panduranga Rao expired on 31.08.2012 and on the same day, suit was decreed *ex parte*.

In that view of the matter, they sought for advice from some other advocate and hence, there was some delay in preferring the application under Order 9 Rule 13 CPC, the delay was only 40 days of duration.

In the facts and circumstances narrated by the petitioners in support of the above interlocutory application, the Court below has exercised the discretion vested in it properly and carefully. Hence, the said order does not warrant or call for any interference at my hands.

Hence, the civil revision petition is dismissed.

Consequently, miscellaneous petitions, pending in this petition, shall also stand dismissed. No costs.

JUSTICE NOOTY RAMAMOHANA RAO

13.11.2015

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