

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

CIVIL REVISION PETITION NO. 585 OF 2015

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ORDER:

This revision is preferred by the plaintiff calling in question the correctness of the orders passed in I.A.No.91 of 2012 in O.S.No.55 of 2007. I.A.No.91 of 2012 has been filed seeking condonation of delay of 330 days in filing I.A.No.544 of 2014. I.A.No.544 of 2014 is moved for setting aside the *exparte* decree passed on 09.12.2010 in O.S.No.55 of 2007. The learned Junior Civil Judge, Pitapuram passed an order on 19.11.2014 directing payment of costs of Rs.400/- to the opposite party within one week and accordingly costs have been paid and hence, on 26.11.2014 the delay is condoned.

Learned counsel for the revision petitioner Sri B.V.Rama Rao would submit that not even one reason has been assigned by the Court below as to why it exercised jurisdiction to condone a huge delay of 330 days in filing an application for setting aside the decree that was passed on 09.12.2010. While there is a discretion available in the Court for condonation of delay, but however, such jurisdiction must be exercised for justifiable reasons and for purposes of advancing the cause of justice. Since, I could not find any reasons on record as to why a huge delay of 330 days is condoned, I, consider it appropriate to restore I.A.No.91 of 2012 for disposal in accordance with law, duly setting aside the order passed thereon on 19.11.2014 as well as 26.11.2014.

I, hope and trust that I.A.No.91 of 2012 would be considered by the Court below on its merits and an appropriate order be passed.

The civil revision petition therefore stands allowed.

Consequently, miscellaneous applications pending shall stand closed. No costs.

JUSTICE NOOTY RAMAMOHANA RAO

02.04.2015

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