

HON'BLE SRI JUSTICE S.V. BHATT

CIVIL REVISION PETITION No.861 of 2015

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Date: April 22, 2015

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Between:

k. Venkat Ramulu. ... Petitioner

And

Smt. Bhanu Bee. ... Respondent

* * *

HON'BLE SRI JUSTICE S.V. BHATT

CIVIL REVISION PETITION No.861 of 2015

ORDER:

In spite of service of notice on the respondent, there is no representation.

2. Defendant in O.S.No.12 of 2007 in the Court of the Principal Junior Civil Judge, Gadwal, is the revision petitioner. The revision is directed against the order in I.A.No.25 of 2014 filed under Section 5 of the Limitation Act condoning the delay of 692 days in filing an application to restore the suit. The application filed for condonation of delay was stoutly opposed. The learned trial Judge, upon consideration of the reasons stated in the affidavit and the objection of revision petitioner herein, exercised the discretion to condone the delay of 692

days in filing the petition to restore the suit.

3. Learned counsel for the revision petitioner submits that the condonation of delay by the trial Court is not in accordance with the settled principles of law and that in spite of a definite objection raised by the revision petitioner herein that he ceased to be the owner for the property claimed by him, which is the subject matter of the suit, was sold through registered sale deed dated 28.04.2013.

4. I have considered the objections raised by the learned counsel in the background of the findings recorded by the trial Court. In the considered view of this Court, the changed circumstance, if any, during the period the dismissal order was in operation, the revision petitioner can certainly take these objections after the suit is restored and parties join trial.

5. The revision is without merit and accordingly dismissed.

6 . Pending miscellaneous petitions, if any, shall stand dismissed in consequence. No order as to costs.

S.V. BHATT, J

Date: April 22, 2015.

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