

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

C.R.P.NO.4520 OF 2012

ORDER

Heard the counsel for the petitioner and the notice sent to the respondent returned unserved.

The respondent herein is the plaintiff and she filed the suit in O.S.No.88/2007 on the file of III Additional Senior Civil Judge, Visakhapatnam, for recovery of money and it was decreed on 17.11.2011 and the petitioner herein who is the defendant filed appeal and as there was delay of 79 days in preferring the appeal, filed I.A.No.943/2012 in ASGR.No.4179/2012 for condoning the delay and it was dismissed. Aggrieved by the same, the present revision is preferred.

From the impugned order it could be seen that the notice sent to the respondent returned unserved as no such person. In the present revision also, the notice sent is returned unserved. In the impugned order, no reasons were recorded for dismissing the petition and it was only recorded that "*it appears that petitioner willfully delayed the proceedings and came up with this petition.*" The averments of the petitioner were not considered and notice to respondent/plaintiff is also not served. In these circumstances, it is appropriate to remit the matter to the trial court to pass orders afresh after service of notice in accordance with law. Accordingly the revision petition is disposed of. No costs.

Miscellaneous petitions pending if any, shall stand closed.