

HON'BLE SRI JUSTICE R.SUBHASH REDDY

CIVIL REVISION PETITION No.1565 of 2014

ORDER :

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the petitioner-plaintiff aggrieved by the order and decree dated 15.04.2014 in I.A.No.31 of 2013 in O.S.No.30 of 2011 passed by the Principal Senior Civil Judge, Machilipatnam, Krishna District, allowing the application filed by the respondent-defendant under Order 9 Rule 13 and Section 151 of C.P.C., seeking to set aside the exparte decree dated 27.4.2011 passed against him.

y 2. Heard learned counsel for the petitioner-plaintiff and learned counsel for the respondent-defendant.

3. The suit is for declaration of title. A perusal of the impugned order shows that I.A.No.166 of 2012 filed by the respondent-defendant under Section 5 of the Limitation Act to condone the delay of 41 days in filing application to set aside the exparte decree was allowed. Even the present application in I.A.No.31 of 2013 was allowed on the ground that no counter affidavit is filed opposing the said application. Though it is contended by the learned counsel for petitioner-plaintiff that the counter could not be filed due to the strike by the Advocates during regional agitations, in view of the reasons assigned by the Court below, this Court is of the view that there are no grounds

to interfere with the order impugned in this revision.

4. Accordingly, this civil revision petition is dismissed. As a sequel, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

JUSTICE R. SUBHASH

REDDY
30.01.2015.
Msr

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