

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

CIVIL REVISION PETITION No.4257 of 2015

Date:09.10.2015

Between:

Kothuri Sambasiva Rao,

S/o Venkateswarlu

..... **Petitioner**

And:

Kurakula Peri Reddy,

S/o Koti Reddy and 29 others.

.....**Respondents**

Counsel for the Petitioner: Mr. Swaroop Orilla

For Mr. Nagi Reddy Bareddy

Counsel for the Respondents: Dr. Challa Srinivasa Reddy

The Court made the following:

ORDER:

This Civil Revision Petition arises out of order, dated 17.8.2015, in I.A.No.703 of 2015 in I.P.No.5 of 2013 on the file of the learned Senior Civil Judge, Gurazala.

I have heard Mr. Swaroop Orilla, learned counsel representing Mr. Nagi Reddy Bareddy, learned counsel for the petitioner and Dr. Challa Srinivasa Reddy, learned counsel for the respondents and perused the record.

The petitioner has filed the above-mentioned I.P for declaring him as insolvent. The said I.P. was dismissed for default on 17.4.2015. He has, therefore, filed an application for restoring the said I.P. As

there was delay of 28 days in filing the said application, he has filed I.A.No.703 of 2015 for condonation of the same. The lower Court by the order under revision has dismissed the said I.A.

The delay in filing the application for restoring the I.P. was only 28 days. In my opinion, the lower Court ought not to have applied a rigid and pedantic approach in minutely examining the explanation offered by the petitioner for condonation of delay. I am, therefore, of the opinion that the lower Court has not properly exercised the discretion vested in it.

Accordingly, the order under revision is set aside, the Civil Revision Petition is allowed and consequently, I.A.No.703 of 2015 is allowed.

As a sequel to disposal of the Civil Revision Petition, CRPMP.No.5647 of 2015 shall stand disposed of as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

09th October 2015

DR