

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

CIVIL REVISION PETITION No.4335 of 2014

Date:30.01.2015

Between:

Ambati Satish Kumar,
S/o A.Yadagiri

..... Petitioner

And:

Yadigiri Reddy, S/o Late M.V.N.Reddy
and nine others.

.....Respondents

Counsel for the petitioner: Sri Mirza Safiulla Baig

Counsel for the Respondents: ---

The Court made the following:

ORDER:

This Civil Revision Petition arises out of order, dated 09.09.2014, in I.A.No.123 of 2010 in OS.No.1233 of 2001 on the file of learned Principal Junior Civil Judge, Ranga Reddy District.

The petitioner filed the above-mentioned suit for declaration that sale deed No.6802/1999, dated 04.09.1999, is illegal and void, for cancellation of the same and for grant of ad interim injunction restraining the respondents from interfering with the suit schedule property. The said suit was dismissed for default by order, dated 10.07.2007, as the petitioner failed to contest the same by filing written statement. The petitioner has filed an application for setting aside the *ex parte* decree and for restoration of the suit under Order-

IX Rule-9 of the Code of Civil Procedure. He has also filed I.A.No.123 of 2010 for condonation of delay of 831 days in filing the restoration application. The lower Court by the order under revision has dismissed the said application.

In support of his plea for condonation of delay, the petitioner averred that during the pendency of the suit, he was a student; that his father, who was a Government employee, was pursuing the suit; that the counsel to whom the case was entrusted has, in turn, entrusted the case to his junior counsel who has left the senior's office without intimation and returned the file; that after completion of his education, while he was working in Chennai, he has contacted his counsel, upon which he came to know that the suit was dismissed for default.

As rightly pointed out by the lower Court, the petitioner has not shown any diligence whatsoever in pursuing the suit besides the fact that he failed to file the written statement leading to dismissal of the suit for default. The petitioner has not even bothered himself to know the fate of the suit till the expiry of two years after he has completed his studies and settled in employment.

The law will only support the diligent and not the negligent. The explanation offered by the petitioner for condoning the huge delay of 831 days is wholly unsatisfactory and the lower Court has very rightly declined to exercise its discretion in condoning such huge delay. As the order of the lower Court does not suffer from any material illegality or jurisdictional error, I have no reason to interfere with the same.

For the above-mentioned reasons, the Civil Revision Petition is dismissed.

As a sequel to dismissal of the Civil Revision

Petition, CRPMP.No.5929 of 2014 filed by the petitioner
for interim relief is dismissed as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

*30th January 2015
DR*