

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

CIVIL REVISION PETITION No. 3559 OF 2015

DATED 31ST December, 2015

BETWEEN

K. Katamaiah

...Petitioner

And

Billa Elia and ors

...Respondents.

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

CIVIL REVISION PETITION No. 3559 OF 2015

ORDER:

The petitioner herein is the first respondent in O.P.No.179 of 2010 on the file of the learned IV Additional District and Sessions Judge, Ananthapuram. The respondents 1 and 2 herein filed the aforesaid OP claiming compensation on account of the death of one B. Francis Paul in a motor vehicle accident that occurred on 19.4.2008. The petitioner is stated to be the owner of lorry bearing Registration No. AP.04.V.4873 which collided with the APSRTC Bus bearing No. AP.11Z.4563. The petitioner remained ex parte in the OP and an ex parte decree was passed on 11.4.2011. He filed I.A.No.1587 of 2012 for setting aside the ex parte decree dated 11.4.2011 and the said application was allowed by the Court below through the order under revision dated 21.7.2015 by imposing a condition that the petitioner should deposit 50% of his share amount by

10.08.2015. Challenging the imposition of said condition, the present Civil Revision Petition is filed.

When the Court below found sufficient reason for setting aside the ex parte decree, it ought not to have imposed the onerous condition of depositing 50% of share of the petitioner. In the circumstances, the impugned order dated 21.7.2015 is modified to the extent of setting aside the condition of depositing of 50% of the share of the petitioner and the petitioner is permitted to proceed further with the OP by filing counter and adducing evidence and the entire exercise shall be completed by 30.04.2016.

The Civil Revision Petition is allowed to the extent indicated above. Miscellaneous petitions pending consideration if any in the Civil Revision Petition shall stand closed in consequence. No order as to costs.

JUSTICE A. RAMALINGESWARA RAO

DATED 31ST DECEMBER, 2015.

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