

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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CIVIL REVISION PETITION No.2722 of 2015

ORDER:

This civil revision petition under Article 227 of the Constitution arises out of the order dated 21.02.2012 passed by the learned I Additional Junior Civil Judge, Tanuku, in I.A.No.324 of 2012 in O.S.No.486 of 2007.

The petitioner herein was the plaintiff in O.S.No.486 of 2007. The said suit was dismissed for default on 09.07.2009. I.A.No.1705 of 2009 was filed by the petitioner/plaintiff to restore the suit. Thereupon, the trial Court passed order dated 14.02.2012 setting aside the order dated 09.07.2009 and directing both parties to expedite the trial. The petitioner/plaintiff was also directed to file all the chief affidavits in evidence on or before 21.02.2012 failing which the petition was held liable to be dismissed without extension of time. The matter was adjourned to 21.02.2012. On the said day, the trial Court took note of the fact that the order dated 14.02.2012 had not been complied with and accordingly dismissed I.A.No.1705 of 2009 in O.S.No.486 of 2007.

I.A.No.342 of 2012 in O.S.No.486 of 2007 was filed by the petitioner/plaintiff under Sections 148 and 151 CPC to enlarge the time granted and to extend the same to enable her to adduce evidence. By order dated 21.02.2012, the trial Court noted that the conditional order dated 14.02.2012 was not extended as sufficient opportunity had already been given and accordingly dismissed the I.A. Aggrieved by this order, the present civil revision petition was filed in July, 2015.

No explanation is forthcoming either from the grounds of revision or the affidavit filed in support of the revision petition as to why the petitioner/plaintiff did not choose to assail the order of the year 2012 till now. That apart, perusal of the orders passed by the trial Court reflects that ample opportunity was given to the petitioner/plaintiff to make good her lapses. The dismissal of the suit under the order dated 09.07.2009 was set aside in February, 2012, to enable the petitioner/plaintiff to have an opportunity to prosecute the suit subject to certain conditions. However, the petitioner/plaintiff failed to abide by the said conditions and the trial Court was constrained to take note of the same and passed appropriate orders. This Court

therefore finds no reason to interfere in the matter.

The civil revision petition is devoid of any merit and it is accordingly dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

Date:08.09.2015

GJ