

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

Civil Revision Petition No.4791 of 2014

Dated 06th February, 2015

Between:

Smt.Shaheen Begum

...Petitioner

And

M.Anjaiah Goud

...Respondent

Counsel for the petitioner: Sri M.A.Basith

Counsel for the respondent: ----

The Court made the following:

ORDER:

This civil revision petition arises out of order, dated 27.10.2014, in I.A.No.211 of 2014 in O.S.No.198 of 2012, on the file of the learned Senior Civil Judge, Vikarabad, Ranga Reddy District.

The respondent filed the above-mentioned suit for recovery of possession of the suit schedule property. Though the petitioner has entered appearance through counsel, she failed to file written statement. Therefore, her right to file written statement was forfeited by the lower Court and the suit was decreed *ex parte* on 17.06.2013. The petitioner has filed an application under Order IX Rule 13 CPC for setting aside the *ex parte* decree. She has also filed I.A.No.211 of 2014 under Section 5 of the Limitation Act, 1963 (for short 'the Act') for condoning the delay of 261 days in filing the said application. By the order assailed in this civil revision petition, the lower Court has dismissed the said application.

In support of the application filed for condonation of delay, the

only reason put forth by the petitioner was her alleged ill-health. She has raised a vague plea that as she was under medical treatment, she could not contact her counsel and instruct him to file written statement. The petitioner has not raised the plea that her illness continued even after the passing of the *ex parte* decree. In the absence of any such plea, even assuming that she suffered illness on account of which she could not file written statement, she did not explain as to why the delay of 261 days had occurred in filing the application under Order IX Rule 13 CPC. Moreover, as rightly observed by the lower Court, the petitioner failed to furnish the nature of her illness and the Doctor under whom she was taking treatment.

Even if the word 'sufficient cause' in Section 5 of the Act is construed in the most liberal manner, the explanation furnished by the petitioner was owefully falls short of the word "sufficient cause". Leave alone explaining the day-to-day delay, the petitioner has failed to furnish a reasonably satisfactory explanation to condone the delay of 261 days. In the absence of sufficient cause pleaded by the petitioner, the lower Court has justifiably dismissed the application for condonation of delay. Therefore, the order under revision does not suffer from any illegality or jurisdictional error requiring this Court's interference with the same.

For the above-mentioned reasons, the civil revision petition is dismissed.

As a sequel to dismissal of the civil revision petition, C.R.P.M.P.No.6531 of 2014 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

06th February, 2015
VGB