

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

C.R.P.No.1617 of 2014

ORDER:

The petitioner herein calls in question the orders passed by the Principal Junior Civil Judge, Ramachandrapuram in I.A.No.447 of 2013 moved in O.S. No. 511 of 2002. The respondent is the plaintiff in the Suit.

I.A. No. 447 of 2013 was filed under Section 5 of the Limitation Act, for condoning the delay of 2504 days in filing a petition under Order IX Rule 13 of the Code of Civil Procedure for setting aside the *ex parte* Decree and Judgment, dated 28-03-2006. The petitioner was the sole defendant in the Suit filed for declaration of title and recovery of the schedule property. The petitioner contested the Suit by filing a written statement. She has also filed a sworn affidavit in lieu of examination in chief in the Court. Since the petitioner herein failed to attend the Court and face the cross-examination repeatedly, the Court passed an *ex parte* decree on 28-03-2006. There is no explanation offered by the petitioner whatsoever as to why she stopped interacting with her counsel and also stopped attending to the Court proceedings having filed the written statement and also an affidavit in lieu of her chief-examination.

The delay that is sought to be condoned is running into more than seven years. Such a huge delay could not have been condoned without there being a semblance of justification on the part of the petitioner herein.

I do not find any infirmity in the order passed by the trial Court dismissing the said Application. Hence, the Revision is dismissed at the admission stage, but however, without costs.

Consequently, the miscellaneous petitions, if any, stand dismissed.

**NOOTY RAMAMOHANA
RAO, J.**

mrk
27.02.2015.