

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

CIVIL REVISION PETITION No.5187 of 2015

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11.12.2015

Between:

Kollipara Pulla Rao

...Petitioner

And

Kotha Venkata Satyanarayana

...Respondent

Counsel for the petitioner: Mr.R.K.Suri

Counsel for the respondent: --

The Court made the following:

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ORDER:

This civil revision petition arises out of the order, dated 30.03.2015, in I.A.No.629 of 2012 in O.S.No.19 of 2010 on the file of learned Senior Civil Judge, Gurazala, Guntur District, whereby he has dismissed the I.A. filed for condonation of delay of 220 days in filing petition to set aside *ex parte* decree passed in the suit.

In support of the aforesaid I.A., the petitioner has filed an affidavit, wherein, he has, *inter alia*, stated that after receiving the suit summons, he has left the village due to his incurring heavy loans in connection with his business and threats received from various creditors and that after filing Insolvency Petition, he has received E.P. notice, through which he came to know about the *ex parte* decree. The lower Court has considered his explanation and observed that except the self-serving statement of the petitioner relating to the alleged threats by the creditors, he has not filed any evidence in support thereof.

In my opinion, the petitioner is guilty of lack of diligence at every stage, *viz.*, having received the suit summons, he failed to contest the suit and thereafter, he has not taken any steps either to know about the result of the suit or at least to file an application for setting aside the *ex parte* decree within a reasonable time. The law is well settled that a litigant, who is negligent in pursuing his cause, is not entitled to the Court's indulgence. As the petitioner has failed to show due diligence in prosecuting his case, the lower Court has rightly declined to exercise its discretion in his favour. Hence, I do not find any illegality or jurisdictional error in the order of the lower Court.

The Civil Revision Petition is, accordingly, dismissed.

As a sequel to dismissal of the civil revision petition, C.R.P.M.P.No.6813 of 2015 filed by the petitioner for interim relief shall stand dismissed as infructuous.

(C.V.NAGARJUNA REDDY, J)

11th December, 2015

GHN