

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

CIVIL REVISION PETITION No.3366 of 2015

ORDER:

The petitioner herein is respondent No.2 in O.P. No.7/2013 on the file of the Election Tribunal-cum-Junior Civil Judge, Tandur, Rangareddy District. The said O.P. was filed by respondent No.1 herein challenging the election of respondent No.2 for the Post of Sarpanch of Navalga Gram Panchayath, Basheerabad Mandal, Rangareddy District. The case was posted to 22.11.2013 for the appearance of petitioner. He did not appear on that date and he was set *ex parte*. After setting him the *ex parte*, he filed I.A. No.45/2015 for setting aside the *ex parte* order dated 22.11.2013 with the following averments:

“2. I submit that the above said case was posted for 22-11-2013 for my appearance. That on that day I was suffering from ill-health as such I could not attend the Court on that day. That the Hon'ble Court was pleased set me *ex parte*.

3. I submit that my nonappearance before this Hon'ble Court on that day is neither willful nor wanton but due to above said reason only.

4. I submit that I have good chance to succeed in the above case. Kindly permit the petitioner to file counter and contest the case, otherwise I will be put to irreparable loss and injury.

A counter was filed by respondent No.2 in the election petition stating that no document was filed by the petitioner in support of his ground of ill-health. The Election Tribunal dismissed the application by holding as follows:

“On perusal of the main docket proceedings, it is found that after receipt of the notices in the main O.P. the summons to the petitioner herein is served personally on the

petitioner/respondent No.2 but inspite of receipt of notices, the petitioner/respondent No.2 did not turn up and was absent before the court on the date of appearance. Hence, he was set *ex parte* and since from that day onwards, he did not file any petition for setting aside the *ex parte* order but when the matter is coming up for further evidence of the petitioner, the present petition is filed. Further, the reason assigned for his non-appearance is that he is suffering from ill-health. In support of his ground of ill-health, no documents are produced before the court to show that the petitioner is suffering from ill-health. Further, he did not mention as to what kind of disease he is suffering with in his petition. He simply stated that he is suffering from ill-health which is not a sufficient and reasonable ground to set aside the *ex parte* order. Further, the reasons should be supported by some documentary evidence but no such documentary evidence is produce before this court. It shows that in a vague manner, he stated that he is suffering from ill-health without specifying what kind of ill-health he is suffering with and under whom he is undergoing treatment should be mentioned by the certificate of the doctor. In such circumstances, the petition is devoid of merits and liable to be dismissed. Accordingly, the point is answered.”

From the above facts, it is clear that the application was filed after 1½ year of passing the order, setting the petitioner *ex parte*. Except stating that the petitioner was suffering from ill-health, no reason was assigned for allowing his application, filed for setting aside the *ex parte* order dated 22.11.2013.

In the above circumstances, the dismissal of application in I.A. No.45/2015, by order dated 18.06.2015, does not call for any interference.

Accordingly, this Civil Revision Petition is dismissed. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Civil Revision Petition shall stand closed.

A.RAMALINGESWARA RAO, J

10.12.2015

MVA