

HON'BLE SRI JUSTICE G. CHANDRAIAH

CIVIL REVISION PETITION No. 4975 of 2015

-

ORDER:

The petitioner herein is defendant in O.S.No.94 of 2009 on the file of the Principal Junior Civil Judge, Gudivada. The respondent filed the suit for eviction of the petitioner from the suit schedule property, for delivery of possession of the property, and for grant of a sum of Rs.4,500/- per month towards use and occupation of the property from 01.10.2008 till the date of delivery of the property. During pendency of the suit, the respondent filed I.A.No.12 of 2011 for a direction to the petitioner to deposit the monthly rents and the same was allowed. Subsequently, as the petitioner failed to deposit the rents, the respondent filed I.A.No.510 of 2012 seeking to struck off the defence of the petitioner in the suit and the said petition was dismissed. Thereafter, the suit was dismissed for default on 14.06.2013, due to the absence of the respondent and also his counsel. Then, the respondent filed I.A.No.466 of 2013 for restoration of the suit. The petitioner filed counter denying the averments made in the affidavit filed in support of the said application. By an order dated 08.10.2015, the lower Court allowed the I.A. on payment of costs of Rs.300/- to the petitioner. Aggrieved thereby, the petitioner preferred this revision.

2. Heard learned counsel for the petitioner and perused the record.

3. Having satisfied with the explanation put forth by the respondent for his absence to attend the Court on 14.06.2013 and in order to afford an opportunity to the respondent to proceed with the suit and to adjudicate the matter on merits, the lower Court allowed the application. Since the explanation put forth by the respondent is plausible and convincing, in view of the fact that in compliance of the orders of the lower Court, the respondent paid the costs of Rs.300/- and the petitioner has received the said amount, and as the suit is of the year 2009, I do not find any reason to interfere with the order of the lower Court.

4. Accordingly, the Civil Revision Petition is dismissed. There shall be no order as to costs. Consequently, miscellaneous petitions if any pending in the revision shall also stand dismissed.

G. CHANDRAIAH, J

20th November, 2015

cbs

HON'BLE SRI JUSTICE G. CHANDRAIAH

Civil Revision Petition No. 4975 of 2015

-

-

-

-

20th November, 2015

cbs