

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

Civil Revision Petition No.3664 of 2010

ORDER:

Heard both sides at length.

The impugned order of the learned Junior Civil Judge, at Markapur, dated 23.10.2009 in I.A.No.321 of 2009 in the unnumbered suit CFR No.2830 of 2007 filed to condone the delay of 543 days in representing the suit since dismissed is the subject matter of revision. The lower Court in the order stated that deficit court fee not paid and originally I.A.No.951 of 2007 filed under Section 149 CPC for the grant of time to pay deficit court fee and one month time granted till 20.06.2009 and later no application filed even subsequently for payment of deficit court fee and it is represented only after 543 days without even payment of deficit court fees much less in seeking by application for extension of time meanwhile simply saying in representation delay occurred.

2. A perusal of the affidavit petition covered by the impugned order speaks the suit filed on the last day of limitation on 07.06.2007 from the promissory note claim dated 09.06.2000 executed by alleged borrower and even on the last day of filing there is no court fees even paid much less sufficiently. An application in I.A.No.951 of 2007 filed and time extended. Even within that one month's time when not paid, it is not a mere representation delay by non-payment of Court fees and it is practically no presentation likely to save the limitation of the promissory note claim. Thereby for this Court while sitting in appeal, there is nothing to interfere including from the expression of this Court in *Sivishi Associates Vs. Jagadeeshwari Agencies*¹ even taken

¹ 2006(2) ALT 704

consideration and discretionary power to grant time to pay the deficit Court fee.

3. In the result, the revision is dismissed. Consequently, pending miscellaneous petitions, if any, shall stand dismissed. No costs.

Dr. B. SIVA SANKARA RAO, J

Date:28.09.2016
Vvr

