

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

CIVIL REVISION PETITION No.1495 of 2016

Date:01.4.2016

Between:

Gujjarlapudi David,
S/o Sessaiah and two others.

....Petitioners

And:

Gujjarlapudi Leelamma,
W/op Seshu @ Sessaiah

.....Respondent

Counsel for the petitioners: Mr. G.L.Nageswara Rao

Counsel for the Respondent: None appeared

The Court made the following:

ORDER:

This Civil Revision Petition arises out of order, dated 18.02.2016, in I.A.No.1963 of 2016 in O.S.No.563 of 2013 on the file of the Senior Civil Judge, Sattenapalli, Guntur District.

The respondent filed the above-mentioned suit for eviction of the petitioners and delivery of vacant possession of the suit schedule property to him. The petitioners received suit summons and failed to file written statement. Therefore, the lower Court has set the petitioners *ex parte* and decreed the suit on 03.12.2013. Thereafter, the petitioners filed an Interlocutory Application under Order-VI Rule-13 of the Code of Civil Procedure to set aside the *ex parte* decree. As there was a delay of 677 days in filing the

said application, the petitioners filed I.A.No.1963 of 2015 for condonation of the same. By the order under revision, the lower Court has dismissed the said application.

In support of their applications, an affidavit was filed by petitioner No.1, aged 36 years, wherein it was stated that they have migrated to Bangalore for their livelihood; that therefore, he failed to attend the Court and file written statement and he suffered from Chicken gunia and paralysis stroke disabling him from moving out of his bed.

In its order, the lower Court has observed that the petitioners have not filed any evidence to show that they have migrated to Bangalore and that, on the contrary, the respondent has filed a copy of the ration card of the petitioners showing that petitioner Nos.1 and 2 are residing in D.Nos.6-4-10 and 6-4-10/4, Christian pet, 7th Ward, Sattenapalli and drawing commodities on the card. The lower Court has also observed that the petitioners failed to file any medical evidence proving the illness of petitioner No.1.

Having carefully considered the reasons assigned by the lower Court, I am of the opinion that the order passed by it does not suffer from any error, jurisdictional or otherwise, warranting interference of this Court in exercise of its revisional jurisdiction. Hence, the Civil Revision Petition is dismissed.

As a sequel to dismissal of the Civil Revision Petition, CRPMP.No.1894 of 2016 is dismissed as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

01st April 2016
DR