

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

C.R.P.No.5712 of 2016

ORDER

This Civil Revision Petition is filed by the judgment debtor challenging the order dated 19.08.2016 passed in E.A.No.49 of 2014 in E.P.No.84 of 2007 in O.S.No.64 of 2006 by the Senior Civil Judge, Chirala, Prakasam District.

E.A.No.49 of 2014 is filed seeking condonation of delay of 228 days in filing the restoration petition viz., E.P.No.84 of 2007.

The petitioners-judgment debtors stated that the respondent-plaintiff filed the suit for specific performance and the decree is at the stage of delivery of registered documents from the Sub-Registrar, Chirala and they were set *ex parte*. The respondent-plaintiff filed an application in E.A.No.148 of 2013 against the Sub-Registrar, who avoided to deliver the document. The said petition was dismissed for not paying batta to the Sub-Registrar. Subsequently, batta petitions were filed and the same were dismissed due to boycott of Courts. Thereafter, learned counsel for the respondent-plaintiff went to USA and the counsel, who was looking after the cases, was not present due to her father's demise. In those circumstances, he could not be represented. He deposited the sale price and stamp duty. The EP was closed on 17.6.2013. When the petition in E.A.No.49 of 2014 is filed for condoning the delay, the same was opposed by the judgment debtors stating that

the EP was dismissed for default due to non-representation and the respondent-decree holder has not explained day-today delay.

Taking the above averments into consideration, the application of the decree holder was allowed on condition of payment of costs of Rs.1,000/- to the Legal Services Authority *vide* order dated 19.8.2016. Challenging the same, the present Civil Revision Petition is filed.

Since the said order passed by the learned Senior Civil Judge, Parchur, who is in-charge of the Senior Civil Judge, Chirala, is a discretionary order, and is in furtherance of decree proceedings, this Court is not inclined to interfere with the same.

Accordingly, the Civil Revision Petition is dismissed at the stage of admission.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

25th November, 2016
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