

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

Civil Revision Petition No. 1686 of 2016

ORDER:

The revision petitioner is the Judgment Debtor(J.Dr.) in E.P.No.70 of 2015 on the file of the learned IV Senior Civil Judge, City Civil Court, Hyderabad. It is in execution of an exparte award passed by the Deputy Registrar-cum-Arbitrator, Erragadda, Hyderabad(South), Hyderabad, under the A.P.Chit Funds Act,1982, in Arbitration Case File No.363/2013 dated 26.11.2014.

It is her claim that she received notice in E.P.No.70 of 2015 Supra on 29.07.2014. The appeal filed was on 29.12.2015 with an application to condone the delay of 329 days from the date of said award. According to her, she could not file the appeal within two months from the date of award as it was an exparte award and she was served notice only in the E.P.No.70 of 2015 filed on 27.07.2015 and on coming to know of the exparte award, she filed appeal with the application to condone the delay of 329 days in filing the appeal but the appellate tribunal (Principal Secretary, Revenue(REGNin Memo No.25431/Regn.I/A.1/2016-1,dt.12.02.2016, dismissed the application, passed the following order:-

As per Section 70 of the Andhra Pradesh Chit Fund Act, 1982, the appeal shall be filed within two months from the date of award, but the appeal is filed with a delay of 329 days.

The matter has been examined and it is observed that there is no sufficient ground for condonation of delay. Hence, the appeal is not admitted.

Impugning the order supra, the present revision is filed by the J.Dr.

Heard and perused the material on record.

The question of admitting the appeal arises when there is disposal by passing a reasoned order even by the quasi judicial authority as to there are any just grounds to condone the delay or not, and it is only after allowing the delay condonation application, the

appeal can be numbered and entertained. Thus, the order which is squarely by non-application of mind as required by law by the quasi judicial authority, on its face liable to be set aside.

Accordingly, the order of the appellate tribunal (Principal Secretary, Revenue (REGN.II)Dept. Govt. of Telangana in Memo No.25431/Regn.I/A.1/2016-1,dt.12.02.2016, is set aside with a direction to pass reasoned order on the delay condonation application whether sustainable or not on own merits, within one month preferably from the date of receipt of the order. Then if at all the application is maintained to condone the delay, to consider the numbering of the appeal. No order as to costs.

Pending miscellaneous petitions, if any, in this revision, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 10.08.2016
Vvr