

HONOURABLE SRI JUSTICE MSEETHARAMA MURTHI

CIVIL REVISION PETITION No.4013 OF 2013

DATED 26TH FEBRUARY, 2016

BETWEEN

Boddupalli Balraj

...Petitioner

And

Sri N.Raj Redy and ors.

..Respondents.

HONOURABLE SRI JUSTICE M. SEETHARAMA MURTI

CIVIL REVISION PETITION No. 4013 OF 2013

ORDER:

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This Civil Revision Petition filed under Article 227 of the Constitution of India is directed against the order dated 13.08.2013 passed by the learned II Additional Junior Civil Judge, Ranga Reddy District in I.A.No.743 of 2012 in O.S.No.2512 of 2006 filed under Section 5 of the Limitation Act requesting to condone the delay of 1729 days in filing the application seeking restoration of the suit against the 3rd defendant.

The facts of the case as per the submissions of the learned Counsel for the plaintiff, in brief, are as follows: "The plaintiff brought the aforesaid suit against the defendants to declare the sale deed bearing Document No.10737 of 2003 dated 02.09.2003 and registered in the office of the Sub

Registrar, Champapet, Ranga Reddy District and executed by the first defendant in favour of the third defendant as null and void and for other reliefs. However, the suit was dismissed against Defendant No.3 for default i.e., for non depositing of the process for service of summonses. An application filed for restoration was also dismissed by the trial Court on the ground that a petition for condonation of delay was not filed. In the Civil Revision Petition filed earlier before this Court, the plaintiff was given an opportunity to file a fresh application before the trial court. Pursuant thereto, the plaintiff had filed the subject application requesting to condone the delay of 1729 days. The said application was dismissed by the trial Court. Therefore the plaintiff is before this Court.

At the hearing, the learned Counsel for the plaintiff submitted that the matter is settled out of Court and a compromise is to be recorded in the suit and therefore, this Civil Revision Petition may be allowed and the plaintiff may be permitted to settle the matter before the trial Court in accordance with the procedure established by law. The learned Counsel for the third defendant, who is a necessary party to the suit, has reported no objection for condoning the delay by allowing IA.No.743 of 2012.

Recording the said submissions of the learned Counsel, the Civil Revision Petition is allowed and the impugned order dated 13.08.2013 is set aside and I.A.No.743 of 2012 is allowed.

Miscellaneous petitions pending, if any, in the Civil Revision Petition shall stand closed in consequence. No order as to costs.

JUSTICE M. SEETHARAMA MURTI

DATED 26TH February, 2016.
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