

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD  
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA  
PRADESH

[Special Original Jurisdiction]

MONDAY THE TWENTYFIRST DAY OF NOVEMBER  
TWO THOUSAND AND SIXTEEN

PRESENT  
**HONOURABLE SRI JUSTICE SURESH KUMAR KAIT**

**CIVIL REVISION PETITION NO. 3921 OF 2016**

Between:

Boddavait Akki Reddy ... Petitioner/Plaintiff

V/s.

Aduri Raja Reddy & Ors. ... Respondents/Defendants



Counsel for the Petitioner: Sri PSP. Suresh Kumar

Counsel for the Respondents: None appeared

The court made the following: [order follows]

**HONOURABLE SRI JUSTICE SURESH KUMAR KAIT**

**CIVIL REVISION PETITION NO. 3921 OF 2016**

**ORDER :**

Aggrieved by the order dated 15/07/2016 passed by the Senior Civil Judge, Gurazala, Guntur district, in I.A.No. 880 of 2015 in OS.No. 56 of 2009, dismissing the petition filed by the petitioner/plaintiff under section 5 of the Limitation Act, seeking to condone the delay of 302 days in filing the petition under Order-9, Rule-9 of C.P.C., the petitioner/plaintiff filed the present Civil Revision Petition under section 115 of C.P.C.

2. Heard the learned counsel for the petitioner/plaintiff.

3. O.S.No. 59 of 2009 was dismissed for default on the ground that the petitioner did not turn up from 07/7/2013 onwards to face the cross-examination, as a result, the main suit was dismissed for default vide order dated 20/11/2013 and thereafter the petitioner filed restoration of the same vide application mentioned

above, thereby taken the ground that he was suffering from viral fever prior to the date of dismissal i.e., 20/11/2013. If that being so, the petitioner would have diligently filed the application under Order-9, Rule-9 of CPC which he filed belatedly by delay of 302 days.

4. I find no ground in the present revision to interfere with the order dated 15/7/2016 passed by the Senior Civil Judge, Gurazala and this revision is accordingly dismissed at the threshold.

No costs.

5. As a sequel, miscellaneous petitions if any, pending in this Civil Revision Petition shall stand disposed of.

**JUSTICE SURESH KUMAR KAIT.**

21/11/2016  
I s L

**HONOURABLE SRI JUSTICE SURESH KUMAR KAIT**

**CIVIL REVISION PETITION NO. 3921 OF 2016**



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Court Master: I s L