

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

C.R.P.No.4000 of 2016

ORDER

Heard Sri Repakula Nageswara Rao and

**S r i M.M.M.Srinivasa Rao, learned counsel,
representing**

**Sri Kowturu Vinaya Kumar, learned counsel for the
respondent. With the consent of both the counsel,
this Civil Revision Petition is disposed of at the
admission stage.**

**This Civil Revision Petition is filed against the
order dated 27.01.2016 in I.A.No.246 of 2015 in
O.S.No.65 of 2013 on the file of the I Additional
District Judge, Khammam, whereby the learned trial
Court dismissed the petition filed by the petitioner-
plaintiff to condone the delay of 175 days in filing
the petition to set aside the dismissal order.**

**Considering the submissions of the learned
counsel for the petitioner-plaintiff that the suit is
filed for declaration and recovery of possession of
the suit property and valuable property rights are at
stake and, an opportunity may be given to him to
prosecute the said suit, this Court considered it
apposite to condone the delay of 175 days in filing**

the petition to set aside the dismissal order by imposing heavy costs.

In the result, the Civil Revision Petition is allowed and the impugned order dated 27.1.2016 in I.A.No.246 of 2015 in O.S.No.65 of 2013 is set aside and the said I.A. is allowed by condoning the delay of 175 days in filing the petition to set aside the dismissal of the suit on the condition of the petitioner-plaintiff paying costs of Rs.2,000/- (Rupees two thousand only) to the respondents-defendants on or before 26.09.2016, failing which, this order shall be deemed cancelled.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE U.DURGA PRASAD RAO

27th August, 2016
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