

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

CIVIL REVISION PETITION No.730 OF 2010

O R D E R

This Civil Revision Petition is filed under Article 227 of the Constitution of India aggrieved by the order passed in I.A.No.553/2008 in I.A.No.1704/1998 in O.S.No.490/1988 dated 09.12.2009 on the file of senior Civil Judge, Mangalagiri, Guntur District wherein the Court below dismissed the application filed under Section 5 of Limitation Act to condone the delay of 1874 days in filing the petition to restore the I.A.1704/2008

Heard both sides.

It is to be seen that O.S.No.490/1988 was dismissed for default and a petition was filed by the petitioners to condone the delay of 1874 days in filing Order IX Rule 9 C.P.C. petition and the same was dismissed for default by order dated 23.11.1999. The trial Court found that the delay is not explained and no evidence was produced by the petitioners. The Trial Court has not believed that the delay was on account of negligence of the Advocate, who filed I.A.No.1704/2008 and it found that the delay is abnormal and unexplained, as such dismissed the same.

A reading of the impugned order goes to show that the trial Court has considered the issue in proper perspective and therefore, I do not see any reason to interfere with the same by exercising revisional powers.

Accordingly, the Civil Revision Petition is dismissed. No costs. As a sequel, miscellaneous petitions pending if any, shall stand closed.

A.RAJASHEKER REDDY,J

Date: 11.11.2016
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