

HONOURABLE SRI JUSTICE P. NAVEEN RAO

CIVIL REVISION PETITION No. 1662 of 2016

Date:24.6. 2016

Between :

K Uday Kumar S/o K Govinda Rao

R/o H NO. 12-8-294, Near Telugu University,  
Hunter Road, Warangal

... Petitioner

and

Oruganti Mallamma W/o Late Rajaiah

R/o H No. 15-9-111, Ramannapet, Warangal and others

... Respondent

The Court made the following:

HONOURABLE SRI JUSTICE P. NAVEEN RAO

CIVIL REVISION PETITION No. 1662 of 2016

ORDER:

This revision is filed against the order dated 18.12.2015 in I.A. No. 185

of 2015 in O.S. No. 31 of 2008 on the file of the IV Additional District Judge, Warangal. Petitioner herein is defendant no.2.

2. The suit filed by the respondents 1 to 4 herein was dismissed for non prosecution by order dated 16.10.2014. Praying to set aside the order of dismissal and to restore the suit, I A No. 185 of 2015 was filed, along with an application to condone the delay of 46 days. The Court below, having regard to the reasons mentioned and on perusal of relevant documents, allowed the application on payment of costs of Rs.1000/-.

3. Learned counsel for petitioner contended that the Court below erred in condoning the delay when the reason assigned for condonation of delay is not valid; that there are four plaintiffs, and if plaintiffs 1 and 2 are undergoing treatment, nothing prevented plaintiffs 3 and 4 to take steps for restoration of the suit within time. He further contends that even the reason assigned that first plaintiff undergone cataract surgery on 23.1.2014 was also erroneous.

4. The Court below has exercised its discretion, having regard to the contentions urged before the Court and having satisfied that in the interest of justice that delay be condoned. The delay was only 46 days and in the peculiar facts of the case, the Court below has exercised its discretion to condone the delay. I see no reason to interfere with the well considered order of the Court below. The revision fails and accordingly the same is dismissed. No costs. Miscellaneous petitions, if any pending, stand dismissed.

---

P NAVEEN RAO,J

DATE:24.6.2016  
TVK

HONOURABLE SRI JUSTICE P. NAVEEN RAO

-  
-  
-  
-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

CIVIL REVISION PETITION No. 1662 of 2016

-

Date:24.6. 2016