

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

C.R.P.No.2960 of 2010

ORDER:

1. The petitioner herein filed O.S.No.168 of 2005 on the file of the XI-Additional Chief Judge, City Civil Court (Fast Track Court), Hyderabad, seeking to set aside the orders of the Recovery Officer, Debt Recovery Tribunal, dated 31.07.2001 and 03.09.2002. The said suit was dismissed for non-prosecution on 25.02.2008. Thereafter, the petitioner filed I.A.No.499 of 2008 seeking to condone the delay of 29 days in filing the petition for setting aside the said order of dismissal and the same was dismissed with costs by the trial Court by order dated 15.03.2010. Aggrieved by the said order, the present Civil Revision Petition is filed.

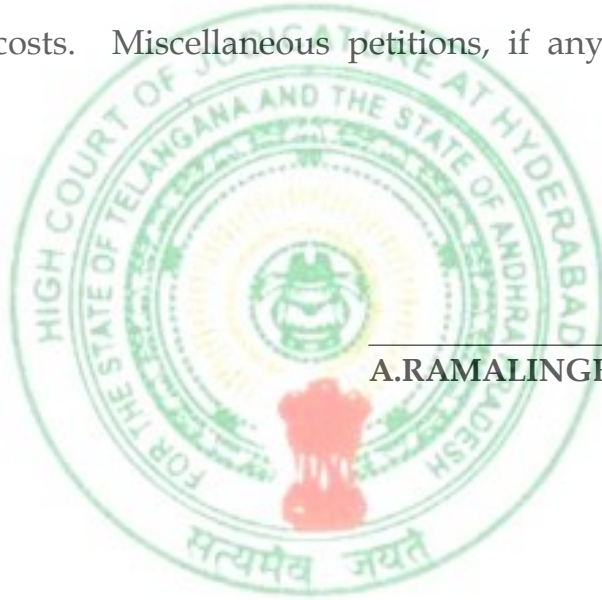
2. The order of the trial Court reads as follows:

“This Court has gone through the affidavit of petitioner filed in support of the petition and counter-affidavit of respondent No.3. The contention of the petitioner is that he was suffering with jaundice and was unable to contact his advocate. The advocate also could not represent the matter as his father had passed away. No medical certificate as contended in counter of respondent No.3 is filed to support the said contention of petitioner. No affidavit of advocate of petitioner is also filed to support the fact that the learned advocate could not represent the matter due to demise of his father. The affidavit of petitioner filed in support of the petition does not contain signature of advocate before whom it was sworn and signed and place for signature of advocate is blank. This shows how the petitioner is careless. When the affidavit filed in support of

the petition is itself defective and when the petitioner has failed to show sufficient cause by filing medical certificate as discussed above, this Court is left with no other alternative except to hold that the petitioner has failed to explain the delay to allow present petition”.

3. The trial Court has properly exercised its discretion in dismissing the application and this Court sees no ground to interfere with the said order.

4. The Civil Revision Petition is accordingly dismissed. No order as to costs. Miscellaneous petitions, if any, pending shall stand closed.



A.RAMALINGESWARA RAO, J

17-09-2016
Gsn