

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

CIVIL REVISION PETITION No.82 of 2010

ORDER:

Heard the learned counsel for petitioners.

2. Petitioners have filed this Revision challenging the order dt.16-09-2009 in I.A.No.492 of 2009 in A.S.No. /2009 of the Principal Senior Civil Judge, Narasaraopet, Guntur District.

3. There is no dispute that the Principal Junior Civil Judge, Chilakalurpet delivered judgment in O.S.No.402 of 2006 on 22-08-2008 and the petitioners secured certified copy of the judgment and decree of the trial Court on 06-10-2008. The time for filing the appeal is 30 days and it expired on 05-11-2008. The petitioners, however, filed the appeal on 20-03-2009 before the Principal Senior Civil Judge, Narasaraopet along with I.A.No.492 of 2009 seeking condonation of delay of 151 days in filing the said appeal.

4. A perusal of the affidavit filed in support of the said application does not disclose any reason why the appeal is filed with delay of 151 days. The lower appellate Court dismissed I.A.No.492 of 2009 on 16-09-2009 stating that no sufficient reason has been assigned by petitioners for condonation of the said period of delay of 151 days.

5. Though learned counsel for petitioners contended that the Court below ought to have condoned the said delay, in the absence of

any explanation being offered by petitioners for filing the appeal with delay of 151 days, I am of the opinion that sufficient cause for condonation of delay has not been made out by petitioners.

6. Therefore I do not find any error of jurisdiction in the order passed by the Court below warranting interference by this Court under Section 115 C.P.C.

7. Accordingly, the Civil Revision Petition is dismissed. No costs.

8. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

Date: 18-10-2016
Vsv/*

JUSTICE M.S.RAMACHANDRA RAO

