

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CIVIL REVISION PETITION No.5603 OF 2010

ORDER:

The revision petitioner, aggrieved over the order dated 26-03-2002 in I.A. No.832 of 2000 in an unnumbered A.S. No. /2000, filed the present Civil Revision Petition.

2. By the aforesaid order, the learned Principal Senior Civil Judge, Vijayawada, dismissed the application filed under Order XLI, Rule 3A of Code of Civil Procedure, 1908 to condone the delay of 118 days in preferring the appeal.

3. The cause shown for the delay in preferring the appeal was, that after his advocate has handed over the certified copies of decree and judgment, he has placed the file in his house at safe place, and as he was having some cases in other Courts, like Sattenapalli and Narasaraopet, he was busily engaged in those matters and could not meet his advocate to instruct to file the appeal and he has lost control of the present matter and could not pursue it.

4. That ground was opposed by the respondent by filing a counter.

5. The learned Senior Civil Judge, Vijayawada, having discussed elaborately, did not incline to accept the cause shown as

‘sufficient’ to condone the delay of 118 days and dismissed the petition.

6. Heard Sri Nimmagadda Satyanarayana, learned counsel for the revision petitioner and Sri V.S.R. Anjaneyulu, learned counsel for respondent, which is Cloth Merchants Association located at Vijayawada represented by its General Secretary.

7. The learned counsel for the revision petitioner, though tried to impress that the reason shown by the revision petitioner is adequate and sufficient enough to condone the delay, but, certainly, not so. The very fact that he was pursuing his litigations before other Courts situated at Sattenapalli and Narasaraopet, certainly, shows that the ground stated by him that he kept the certified copies of the decree and judgment at safe place and lost control of the matter is totally unconvincing. In case he was pursuing litigations in other Courts, certainly, the reason shown is unacceptable. The reason assigned is not convincing enough to condone the delay of 118 days. The order passed by the trial Court referring to what has been observed by the Hon’ble Supreme Court in AIR 1968 SC 22 and 1998 (2) L.S. (SC) 28 and dismissing the petition to condone the delay cannot at all be faulted. There is no merit in the revision petition.

Hence, the Civil Revision Petition is dismissed. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the revision, stand closed.

A. SHANKAR NARAYANA, J

November 25, 2016.

Mgr

