

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

CIVIL REVISION PETITION No.858 OF 2016

ORDER:

This revision petition is filed against the order, dated 04.11.2015, passed in I.A.No.181 of 2015 in A.S.No.49 of 2011 by the Family Court, Kurnool, allowing the application filed by the respondents herein for condonation of delay of 606 days in filing the petition to set aside the default order, dated 02.07.2013.

Learned counsel for the petitioner submits that the delay has not been properly explained by the respondents and as such, the Court below ought not to have condoned the enormous delay of 606 days on mere costs of Rs.1,000/-. He also submitted that discretion has to be exercised judicially.

The ground on which the delay was sought to be condoned is that the respondents were not well and respondent No.2 was taking treatment for cancer disease. The Court below has relied on the documents filed by the respondents showing that respondent No.2 was suffering with cancer disease and was being treated. The Court below has given cogent reasons for condoning the delay, while exercising its discretion judicially. In view of the above facts and circumstances,

I do not see any infirmity in the impugned order passed by the Court below, so as to interfere with the same in this revision petition, exercising the powers conferred under Section 115 C.P.C.

Accordingly, the revision petition is dismissed. Miscellaneous Petitions, if any, pending in this revision petition, shall stand closed. No costs.

A. RAJASHEKER

REDDY, J

February 17, 2016

MD

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

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