

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

Civil Revision Petition No.1068 of 2016

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ORDER:

This petition is filed aggrieved by the order dated 14.12.2015 in IA.No.1500 of 2015 in IA.No.3286 of 2012, passed by the Principal District Judge, Kurnool, wherein the trial Court dismissed the application filed by the petitioner for condoning the delay of 702 days in filing the restoration petition in IA.No.3286 of 2012.

Heard learned counsel for the petitioner.

In the instant case the petitioner herein filed application in IA.No.3286 of 2012, under Section 5 of the Limitation Act to condone the delay in filing the first appeal against the Judgment and decree in OS.No.427 of 2010 and the same was dismissed for default on 13.03.2013. Thereafter, the petitioner kept quiet for more than two years and thereafter, he filed another application for restoration of the said interlocutory application along with the present petition to condone the delay in filing the said restoration application. The trial court found that there were no justifiable reasons for condoning the delay of 702 days and found that the petitioner was negligent in filing the Section 5 petition for filing the restoration petition. In the said application, the petitioner, except stating that he suffered from fever, did not furnish any details explaining the day-to-day delay. The trial Court by relying on the Judgment in ***Oriental Aroma Chemical Industries Limited v. Gujarat Industrial Development Corporation and Another*** ^[1] dismissed the application. No infirmity is brought to the notice of this Court in the impugned order. The Court below considering the facts and circumstances dismissed the application by exercising

its discretion.

In view of the above, I do not find any merits in the CRP.
Hence the CRP is dismissed. No order as to costs.

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

A.RAJASHEKER REDDY, J

29.02.2016
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[\[1\]](#) 2010 (3) ALD 116