

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Civil Revision Petition No.3574 of 2015

Order:

The petitioners herein are the plaintiffs in OS No.58 of 2010 on the file of I Additional District Judge, Warangal. They filed the said suit seeking recovery of damages against 29 defendants. The suit was dismissed for default as against the defendants 8 to 13, 18, 19, 21 and 23 to 29 on 14.03.2011. Without filing a petition seeking condonation of delay in filing the petition to set aside the said dismissal order, an application in IA No.388 of 2015 in OS No.58 of 2010 was filed on 08.06.2015. In those circumstances, the trial Court passed the following docket order on 13.08.2015.

“Heard both sides. This petition is filed to restore the suit dismissed against D-8 to D-13, 18, 19, 21, 23 to 29. As such the suit against them was dismissed on 14.03.2011. The present petition is filed on 08.06.2015 which is beyond limitation. To file a petition under Order 9 Rule 9, the limitation is only 30 days. Since, the petition is filed beyond limitation, this petition is liable to be dismissed and accordingly the said petition is dismissed.”

2. In view of the circumstances stated above, the impugned docket order passed by the lower Court does not warrant any interference of this Court.
3. Accordingly, the Civil Revision Petition is dismissed. However, in the circumstances, no costs.
4. As a sequel thereto, the miscellaneous petitions, if any, pending in the Civil Revision Petition, shall stand closed.

A.
Date: 27.01.2016
Nsr

RAMALINGESWARA RAO, J.