

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CIVIL REVISION PETITION NO.4038 of 2011

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ORDER:

None appears for the petitioners.

This civil revision petition is filed challenging the order dated 21.08.2006 passed in I.A.No.2717 of 2006 in O.S.No.478 of 2003 by the Principal Junior Civil Judge, Eluru, West Godavari District.

The defendants in the suit filed the above I.A for condoning the delay of 525 days in filing the petition to set aside the ex-parte decree on the ground that as the term of the regular AGP was completed by September 2004, there was no one to prosecute the case on behalf of the department. Therefore, the Court below passed the ex parte decree on 25.01.2005. Since there is no willful laches on the part of the Department the petitioners prayed to condone the delay in filing the application for setting aside the ex parte decree. The Court below dismissed the I.A holding that as can be seen from the record the evidence of plaintiff was completed in the month of December, 2004 but the defendants did not file any document to show that the term of AGP was completed in September, 2004.

In my considered view, the reasons stated for condonation of delay in not engaging any counsel to represent its case is only a sheer negligence on the part of the petitioners and they are not germane. Even otherwise it cannot be said that the delay of 525 days is reasonable in any view of the matter. Therefore, the order passed by the Court below does not suffer from any illegality or irregularity.

Accordingly the Civil Revision Petition is dismissed. As a sequel, pending miscellaneous petitions, if any, shall stand closed.

CHALLA KODANDA RAM, J.

1st February, 2016
Js.