

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

CIVIL REVISION PETITION No.400 OF 2016

ORDER:

The petitioner is defendant in O.S.No.65 of 2012 on the file of the Junior Civil Judge at Jadcherla. The respondent herein filed the said suit for declaration of title and recovery of possession. The petitioner herein filed a caveat in the said suit and summons were served on the counsel who filed the caveat petition. In spite of the same, the petitioner remained *ex parte* and an *ex parte* decree was passed on 03.04.2013. He filed I.A.No.183 of 2013 seeking condonation of delay of 74 days in filing the petition to set aside the said *ex parte* decree with an averment that he has not received the suit summons and he was not aware of the institution of the suit.

2. A counter was filed to the said application stating that the petitioner suppressed the material facts as he filed a caveat petition before the institution of the suit.

3. The trial Court considered the said facts and dismissed the application by order, dated 03.07.2014. Challenging the said order, the present Civil Revision Petition was filed on 29.10.2014.

4. This petition was also filed with a delay of four (4) days and initially, the petitioner did not file any petition seeking condonation of delay. When this office took an objection, he filed a petition seeking condonation of delay and in the meanwhile, a delay of 246 days in representing the Civil

Revision Petition also occurred. However, both the applications were ordered by this Court after issuing notice to the respondent. This clearly shows that the petitioner is dragging on the matter and is not diligent.

5. Learned counsel for the respondent submits that the petitioner has been intentionally dragging on the matter as the respondent is in possession of the property and the suit was filed for declaration of title and recovery of possession.

6. In view of the above facts, this Court sees no ground to interfere with the order, dated 03.07.2014, passed in I.A.No.183 of 2013 in O.S.No.65 of 2012 by the learned Junior Civil Judge, Jadcherla.

7. Accordingly, the Civil Revision Petition is dismissed. There shall be no order as to costs.

8. Miscellaneous Petitions pending, if any, in this Civil Revision Petition shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

Date: 12.2.2016

AMD

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