

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CRP.No.4663 of 2016

ORDER :

This Revision is filed challenging the order dt.17.07.2015 of the Principal District Judge, West Godavari in C.M.A.No.9 of 2014.

2. The petitioner herein is defendant in the above suit.
3. An *ex parte* decree was passed in the said suit on 21.06.2012.
4. The petitioner filed I.A.No.1641 of 2012 to set aside the *ex parte* decree. The said I.A. was allowed on 02.07.2013 subject to condition of payment of suit costs by 05.08.2013.
5. The petitioner did not comply with the said order. Instead he filed C.M.A.No.9 of 2014 before the Principal District Judge, West Godavari, at Eluru.
6. The said appeal was filed on 31.07.2013 and was numbered as C.M.A.No.9 of 2014. The said appeal was dismissed on 17.07.2015.
7. The counsel for petitioner contends that the suit costs have been deposited on 18.08.2015, and therefore, the order passed in the C.M.A. deserves to be set aside.
8. It is pertinent to note that the deposit of the suit costs by petitioner is after the disposal of the C.M.A., that too, two years after

the order in I.A.No.1641 of 2012 had directed him to deposit the suit costs by 05.08.2013.

9. Since no valid reason is shown by petitioner for delay in payment of the suit costs, I am of the opinion that there is no case made out for interference by this Court with the order passed by the Principal District Judge, West Godavari, at Eluru. Therefore, the Revision fails and is accordingly dismissed. No order as to costs.

10. As a sequel, miscellaneous petitions pending if any in this Civil Revision Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 23-09-2016

Ndr/*

