

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

CIVIL REVISION PETITION No.1140 of 2016

Dated : 01.04.2016

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Between:

B. Prameela W/o.B.Jayaramudu,
Age: 56 yrs, House wife,
R/o.D.No.13/678/120C, Srinivasa Nagar,
Anantapuram, Anantapuram District.

.. Petitioner

And

P. Indira W/o.Lakshmanna,
Age : 48 yrs, Housewife,
R/o.D.No.14/451, Kamalanagar,
Anantapuram, Anantapuram District & others.

.. Respondents

This Court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER :

Petitioner is the 2nd defendant in O.S.No.292 of 2009 on the file of Principal Junior Civil Judge, Anantapur. Since no written statement was filed even though sufficient time was granted, the petitioner was set *ex parte* by order dated 19.10.2009. Seeking to set aside the *ex parte* order, on 04.08.2011 the petitioner filed a petition under Order 9 Rule 7 of Code of Civil Procedure. The office raised objection and returned the petition filed by the petitioner. Thereafter, petitioner represented the I.A., after a delay of 1242 days. Seeking to condone the delay in filing the I.A., petitioner filed I.A.No.438 of 2015.

2. The only defence taken by the petitioner for not presenting the petition to set aside the *ex parte* order was that after filing of the I.A., the petitioner suffered from Gyenic problem and therefore, she could not take steps to file written statement.

3. The said statement of the petitioner was opposed by the respondents. The respondents contended that the written statement of the petitioner was dated 17.03.2012. The petitioner and her husband were simultaneously prosecuting a criminal case against the respondents on the file of Additional Judicial Magistrate of First Class, Anantapur, the same was tried and petitioner as P.W.2 deposed in the said criminal case. It is further contended that petitioner was regularly attending to the Court and was aware of every step in the suit.

4. The Court below having considered the rival claims, found that there was no material placed on record to show bonafides on the part of the petitioner. No material is filed to show that the petitioner was suffering from Gyenic problem. The Court below recorded findings that no sufficient cause is shown for the Court to exercise the discretion and to allow the petition. Having regard to the said findings the Court below refused to condone the delay and dismissed I.A.No.438 of 2015.

5. Here also no material is filed to dislodge the reasons assigned by the Court below. I see no error, much less patent error, in the decision arrived at by the Court below warranting interference by this Court.

6. Accordingly, the Civil Revision Petition is dismissed. There shall

be no order as to costs.

Miscellaneous petitions, if any, pending in this Civil Revision Petition shall stand dismissed.

P.NAVEEN RAO,J

01st April, 2016.
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