

HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CIVIL REVISION PETITION No.1747 of 2017

ORDER:

This petition is filed under Article 227 of Constitution of India challenging the order dated 23.11.2016 in I.A.No.825 of 2010 in OSSR No.5588 of 2005 passed by the I Senior Civil Judge, City Civil Court, Hyderabad dismissing the application filed under Section 148 r/w 151 CPC.

The petitioner filed an application under Section 148 r/w 151 CPC to condone delay of 1632 days in representing the plaint alleging that the office returned the plaint on 12.08.2005 raising certain objections granting 7 days time to comply with the objections. The plaint should have been represented on 19.08.2005, but, the same could not be represented on that day since the bundle was mixed with old bundles of the counsel and the bundle was traced after thorough search and thereby there is delay of 1632 days in representation and prayed for condonation of delay.

The trial Court passed reasoned order refusing condonation of abnormal delay in representation and such delay unless explained properly that the petitioner was prevented by sufficient cause cannot be condoned as the advocate clerk is the deponent of the affidavit. He affirmed on oath stating that the record was misplaced in the office mixing with old bundles record in the advocate office, may be due to the negligence of the advocate or his clerk or somebody else in the office. Therefore, such abnormal

delay cannot be condoned or extended as the petitioner was not prevented by sufficient cause i.e. a cause which is beyond the reasonable control of the petitioner. Thus, the trial Court rightly exercised the discretion in declining to condone the delay or extension of time for representation and the petition is devoid of merits and deserves to be dismissed.

In the result, revision petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this petition shall stand closed.

Date:06-07-2017
Ccm



M. SATYANARAYANA MURTHY, J

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