

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

CIVIL REVISION PETITION No.3324 OF 2017

ORDER:

The Civil Revision Petition is filed against the order dated 19.06.2017 passed in IA.No.664 of 2007 in OS.No.105 of 2003, filed by the petitioner/defendant, wherein the Court below dismissed the application filed by the petitioner under Section 5 of the Limitation Act for condoning the delay of 1077 days.

Learned counsel for the petitioner submits that along with the application for condoning the delay, the petitioner also filed written statement, but, the Court below without properly appreciating the pleas raised by the petitioner, dismissed the application.

A reading of the order dated 19.06.2017 shows that though the petitioner mentioned delay as 1077 days, the actual delay is 1201 days; and that he was set **exparte** when the written statement was not filed and thereafter the suit was decreed. The reason given for condonation of such an enormous delay was that the respondent/plaintiff promised the petitioner that he would not execute the decree, which goes to show that the petitioner is aware of the decree. The Court below also observed in the impugned order that the petitioner received summons and contested suit proceedings for some time. As such, it is clear that the petitioner is aware of the suit proceedings and also aware of passing of **exparte** decree. The reasons stated by the petitioner/defendant for

condonation of such an enormous delay of 1201 days, were very vague and day to day delay is not at all explained.

In view of the above I do not find any error in the Order dated 19.06.2017 passed by the Court below in IA.No.664 of 2007 in OS.No.105 of 2003, warranting interference of this Court by exercising power under Article 227 of the Constitution of India. As such, the Civil Revision Petition is dismissed. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the CRP, shall stand closed.

14.07.2017
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A.RAJASHEKER REDDY, J