

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

CIVIL REVISION PETITION No. 4120 OF 2010

ORDER :

This Civil Revision Petition is filed against order dated 29.06.2010 in I.A.No.69 of 2010 in H.M.O.P.No.28 of 2005, wherein the Court below has dismissed the application filed by the petitioner for condoning the delay of 1203 days in filing the petition to set aside the *exparte* decree against her.

Heard learned counsel for the petitioner.

The only ground for filing the application for setting aside the *exparte* decree in HMOP No.28 of 2005 is that she has not received the summons in HMOP No.28 of 2005 and that she was also suffering with back ache, as such she could not travel and come to the court. As a result of which, there was a delay in filing the application for setting aside the *exparte* decree in HMOP No.28 of 2005.

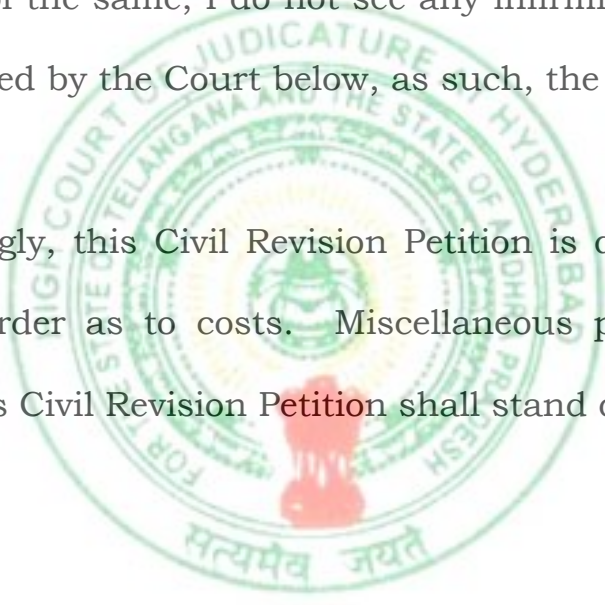
A perusal of the record shows that the petitioner herself refused to receive the summons in the OP No.28 of 2005 and that the refusal amounts to service and that when the petitioner refused to receive the summons, the Court below rightly held that there was sufficient service of summons. The Court below also found that the petitioner filed maintenance case against respondent and that it disbelieved the version of the petitioner that she suffered any ailment. For condoning the abnormal delay of 1203 days in setting aside the *exparte* decree, valid and cogent reasons are required, which the petitioner failed to prove

the same and that the Court below rightly observed that the petitioner has not placed any valid and cogent reasons for condoning such an abnormal delay in setting aside the *exparte* decree.

Learned counsel for the petitioner has not brought to my notice any infirmity or illegality committed by the Court below in passing the impugned order. Even a perusal of the affidavit filed in support of the petition, the petitioner has not properly explained the delay in filing the *exparte* decree.

In view of the same, I do not see any infirmity or illegality in the order passed by the Court below, as such, the same is liable to be dismissed.

Accordingly, this 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.



A.RAJASHEKER REDDY,J

17-08-2017

kvs

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CRP No.4120 OF 2010



kvs

