

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

[Special Original Jurisdiction]

FRIDAY THE TENTH DAY OF MARCH
TWO THOUSAND AND SEVENTEEN

PRESENT

**HONOURABLE SRI JUSTICE SURESH KUMAR KAIT
AND
HONOURABLE SRI JUSTICE U. DURGA PRASAD RAO**

CMA.MP.No. 2110 OF 2013

IN

CMA.No. 1223 OF 2004

AND

CMA.No. 1223 OF 2004

Between:

M. Premalatha

...

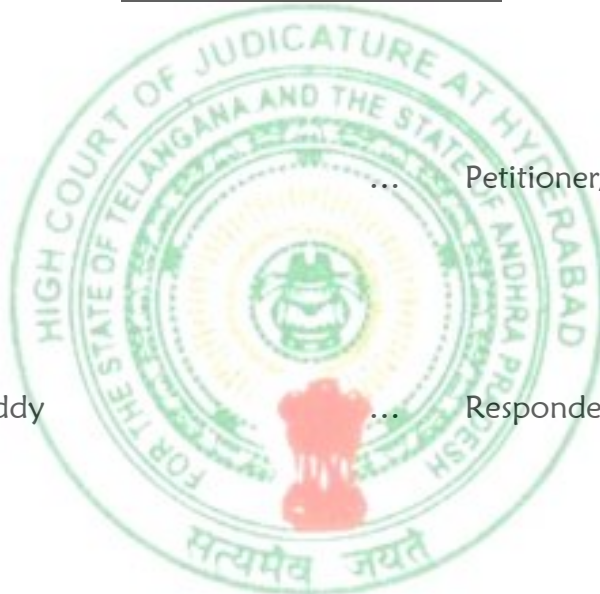
Petitioner/Appellant

V/s.

M. Srinivas Reddy

...

Respondent/Plaintiff



Counsel for the Petitioner/Appellant: Sri V. Raghunath

Counsel for the Respondent: None appeared

The court made the following: [Judgment follows]

HONOURABLE SRI JUSTICE SURESH KUMAR KAIT
AND
HONOURABLE SRI JUSTICE U. DURGA PRASAD RAO

CMA.MP.No. 2110 OF 2013
IN
CMA.No. 1223 OF 2004
AND
CMA.No. 1223 OF 2004

J U D G M E N T : {Per the Hon'ble Sri Justice Suresh Kumar Kait}

CMA.MP.No. 2110 of 2013 is filed by the petitioner seeking to condone the delay of 699 days in filing the petition to set aside the order dated 13/12/2011 passed in CMA.No. 1223 of 2004.

2. Vide order dated 02/02/2017, counsel for the respondent made appearance and sought time to file affidavit and accordingly two weeks time granted to file counter-affidavit. However, counter-affidavit has not been filed.

3. Appeared none on behalf of the petitioner. In the present petition, it is stated in the affidavit filed in support of the petition that the petitioner could not file the petition to set

aside the order dated 13/2/2011 within the stipulated time for the reason that the petitioner is an illiterate woman hailing from a remote village; and her father was looking after the matter. Moreover, she was not aware of the legal proceedings, as she is a illiterate woman. The Revision Petitioner due to age, suffering with prolonged ill-health and remained bedridden for one year before the death of her father on 03/05/2012.

4. In the present petition no medical document is filed. Moreover, the petitioner participated in the proceedings before the court below, therefore, her submission as being a woman and illiterate cannot be given consideration. There is inordinate delay of 699 days in filing the petition to set aside the order dated 13/12/2011 as noted above.

5. We find no grounds to condone the delay in the present petition and the same is accordingly dismissed.

Consequently, CMA.No. 1223 of 2004 is rejected. No costs.

6. As a sequel, miscellaneous petitions if any, pending in
this appeal shall stands closed.

JUSTICE SURESH KUMAR KAIT

JUSTICE U. DURGA PRASAD RAO



CMA.MP.No.2110 of 2013 &
CMA.No. 1223 of 2004 – SKKJ & UDPRJ

HONOURABLE SRI JUSTICE SURESH KUMAR KAIT
AND
HONOURABLE SRI JUSTICE U. DURGA PRASAD RAO

CMA.MP.No. 2110 OF 2013
DELAY PETITION DISMISSED
CMA.NO. 1223 OF 2004
(APPEAL REJECTED)

{Per the Hon'ble Sri Justice Suresh Kumar Kait}



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