

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE SMT. JUSTICE T. RAJANI

CIVIL REVISION PETITION No. 3781 of 2006

JUDGMENT: (*Per VRS,J*)

This revision arises out of an order passed by the City Civil Court, Hyderabad, condoning the delay in filing an application for restoration of an O.P. under the Arbitration Act, 1940.

2. The facts of the present case disclose a very sorry state of affairs. The respondent herein filed a petition under Sections 5, 8, 11 and 12 of the Arbitration Act, 1940 before the Court below, for the appointment of a sole arbitrator to decide the disputes between the parties, in connection with an agreement, dated 02.02.1987. The O.P. itself was filed in the year 1992. On 12.03.2001, it was dismissed for non-prosecution on the part of the respondent.

3. After nearly three years of the dismissal of the O.P. for non-prosecution, the respondent filed an application for restoration along with an application in I.A.No.37 of 2004 for condoning the delay of 988 days in filing the application for restoration. The said application was allowed by the Court below upon payment of costs, by an order, dated 20.04.2006. As against the said order, The Housing Board came up with the above revision in the year 2006.

4. Thus, a period of 30 years has elapsed from the date of the agreement, a period of 25 years has passed from the date of filing of

the O.P., and a period of 16 years has passed from the date of dismissal of the O.P.

5. The question of reviving the O.P. filed under the Arbitration Act, 1940 may not arise, at this distance of time. Therefore, the Civil Revision Petition is allowed.

Consequently, miscellaneous petitions if any pending in the civil revision petition shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

T. RAJANI, J.

18th September, 2017
cbs





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C.R.P.No.3781 of 2006
(allowed)

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cbs

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% 18-09-2017

A.P.Housing Board, Vijayawada,
Krishna District and another .. Petitioners

Vs.

\$ G. Vijaya Bhaskar Rao .. Respondent

<GIST:

>HEAD NOTE:

! Counsel for petitioners : Mr. J. Prabhakar

^ Counsel for respondent : None

? CASES REFERRED : ---

