

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

[Special Original Jurisdiction]

FRIDAY THE SEVENTH DAY OF APRIL
TWO THOUSAND AND SEVENTEEN

PRESENT
HONOURABLE SRI JUSTICE SURESH KUMAR KAIT

CIVIL REVISION PETITION NO. 1642 OF 2017

Between:

Sanikommu Poli Reddy ... Petitioner/Plaintiff

V/s.

Sanikommu Peda Garata Reddy
@ Garata Reddy & Anr. ... Respondents/Defendants

Counsel for the Petitioner: Sri M. Chalapati Rao

Counsel for the Respondents: None appeared

The court made the following: [order follows]

HONOURABLE SRI JUSTICE SURESH KUMAR KAIT

CIVIL REVISION PETITION NO. 1642 OF 2017

ORDER : [O R A L]

This Civil Revision Petition is filed by the petitioner/plaintiff under section 115 of the Code of Civil Procedure against the order dated 14/12/2016 passed by the Principal Junior Civil Judge, Sattenapalli, Guntur district, in I.A.No. 418 of 2016 in O.S.No. 53 of 2009, dismissing the petition filed by the petitioner/plaintiff under section 5 of Limitation Act, 1963 seeking to condone the delay of 1209 days in filing the restoration petition under Order-9, Rule-9 of CPC.

2. Heard the learned counsel appearing on behalf of the petitioner/plaintiff and perused the order impugned in this Civil Revision Petition.

3. It is not in dispute that the petitioner did not attend the court below. He stated in the aforesaid petition that he

could not attend the trial court due to compromise with the respondents/defendants. However, recently, the respondents are interfering with his possession and enjoyment of the schedule property by violating the terms of compromise entered into before the elders.

4. It is not in dispute that there is no document of settlement. Moreover, terms of compromise has not been filed by the petitioner either before the Court below or before this Court. The respondent No.1/defendant No.1 opposed the said application before the Court below and specifically stated that there was no compromise at any point of time between him and the petitioner.

5. It is pertinent to note that the suit was filed for declaration of the registered sale deed dated 04/10/2017 as void. The court below has observed that if the petitioner really

entered into compromise with the respondents he ought to have filed the petition before the trial court to refer the matter to Lok Adalat and to obtain the award accordingly.

6. The suit was filed in the year 2009 seeking the relief of declaration of registered sale deed dated 04/10/2007 and for permanent injunction. The petitioner/plaintiff failed to adduce any evidence inspite of giving sufficient opportunity for a period of more than three years. Accordingly, vide orders dated 08/10/2012 the suit was dismissed. Since then, till 03/03/2016 petitioner/plaintiff failed to file the restoration petition, which discloses his tendency of abusing the process of law.

7. No sufficient cause was mentioned in the affidavit for the abnormal delay of 1209 days in filing restoration petition.

The petitioner is not diligent in prosecuting the case. Thus, the trial Court has not restored the petition.

8. Except the bald statement that the compromise had taken place with the respondents, there is no document filed and moreover when he was aware about the case pending before the Court, he should have approached the court to withdraw the case or get the settlement issue before the Court or before the Lok Adalath. The petitioner failed to take steps, therefore, I do not find any discrepancy or perversity in the order dated 14/12/2016 passed by the Principal Junior Civil, Sattenapalli, Guntur district in I.A.No. 418 of 2016 in OS.No. 53 of 2009.

9. The Civil Revision Petition is accordingly dismissed at the admission stage. No costs.

10. As a sequel, miscellaneous petitions if any, pending in
this Civil Revision Petition shall stand closed.

JUSTICE SURESH KUMAR KAIT.

07/04/2017
I s L



HONOURABLE SRI JUSTICE SURESH KUMAR KAIT

CIVIL REVISION PETITION NO. 1642 OF 2017
{DISMISSED}



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Court Master: I s L