

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

CIVIL REVISION PETITION No. 4671 OF 2017

DATED 15TH SEPTEMBER, 2017

Between:

Chinni Appa Rao ... Petitioner

AND

Viswapragada Venkata Joga Rao and others ... Respondents

Counsel for the petitioner : Sri K.Subrahmanyam

Counsel for the respondents : ---



THE COURT MADE THE FOLLOWING

ORDER:

This civil revision petition is filed against order dated 28-07-2017 in I.A.No. 18 of 2011 filed in an unnumbered appeal on the file of the Court of Senior Civil Judge at Chodavaram (for short, 'the Court below').

2. The petitioner suffered a decree for delivery of possession of suit schedule property. He has filed an appeal with delay of 422 days. For condonation of the delay, he has filed I.A.No. 18 of 2011. The Court below has dismissed the said application as the petitioner was called absent and there was no representation. In my opinion, since the Court below has dismissed the application for default and not on merits, the petitioner is entitled to file an application for restoration of the application. Therefore, I am not inclined to entertain this revision at this stage.

3. Accordingly, the civil revision petition is dismissed with liberty to the petitioner to avail the remedy in terms of the observation made hereinbefore.

4. As a sequel to dismissal of the civil revision petition, C.R.P.M.P.No. 6107 of 2017 shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J.

Date: 15-09-2017.

JSK