

HON'BLE SRI JUSTICE CHALLA KODANDA RAM
CIVIL REVISION PETITION No.4800 OF 2017

ORDER:

I.A.No.179 of 2016 in C.F.No. 9437 of 2016 dated 22.12.2016, filed by the Petitioner-Petitioner-Appellant, invoking Section 5 of the Limitation Act and Section 151 of Civil Procedure Code, to condone the delay of 10 years and 21 days in representing the memorandum of appeal in C.F.No.13712 of 2006, is dismissed by the learned District Judge, Anantapuramu, by the order dated 17.07.2017. Challenging the same, present Civil Revision Petition is filed, mainly contending that about 10 years back, the petitioner migrated from his village due to severe drought conditions prevailing in Anantapuramu district for eking out his livelihood and has been residing outside the district and as such, he could not comply with the office objections and the learned District Judge, without considering the scope of Section 5 of the Limitation Act has dismissed the petition. Hence, the Civil Revision Petition.

Heard the learned counsel for the petitioner.

After hearing the learned counsel for the petitioner and after considering the reasons stated in the affidavit, which are not being satisfied and also considering the strict principles laid down by the Supreme Court in ***Postmaster General Vs. Living Media India Limited***¹ this Court does not find any positive case to condone the delay. Hence, the order of the Court below in dismissing the petition cannot be found fault with.

Accordingly, the Civil Revision Petition is dismissed. There shall be no order as to costs.

As a sequel, miscellaneous petitions pending, if any, shall also stand dismissed.

CHALLA KODANDA RAM, J

Dated:10.11.2017
Ssv

¹ (2012) 3 SCC 563