

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY
AND
THE HON'BLE SMT JUSTICE T. RAJANI

CRP.No.5087 of 2014

DATED: 04.04.2017

Between

Smt. N. Gangamma died per LRs.

...PETITIONERS

And

J. Sri Ramulu died per LRs.

...RESPONDENTS

COUNSEL FOR THE PETITIONERS: SRI DAMODAR MUNDRA

COUNSEL FOR THE RESPONDENTS: SRI K.K.WAGHRAY



THE COURT MADE THE FOLLOWING:

ORDER: (per the Hon'ble Sri Justice C.V. Nagarjuna Reddy)

This civil revision petition arises out of order dated 17.11.2014 passed in I.A.No.866 of 2011 in O.S.No.477 of 1983 whereby the learned XIII Additional Chief Judge, (FTC), City Civil Court, Hyderabad dismissed the said IA filed for condonation of delay of 2955 days in filing an application under Order IX Rule 9 of the Code of Civil Procedure.

Sri K.K. Waghray, learned counsel for the respondents, fairly submitted that his clients have no objection for condoning the delay as adjudication of suit on merits, in the event of their not succeeding in the LPA.Nos.194 of 2000 and 14 of 2001, will become necessary in their interests.

While we are unable to find fault with the reasoning of the lower Court in refusing to condone the delay, however, in view of the fair concession made by the respondents, we set aside the order under revision.

Sri K.K. Waghray, learned counsel for the respondents, submitted that if their clients succeed in the LPAs, pending before this Court, the necessity of adjudication of suit on merits would be obviated and that only in the event of dismissal of the LPAs, disposal of the said suit would be necessitated. He therefore, requested for stay of disposal of the suit finally till the two LPAs are finally disposed of.

Sri Damodar Mundra, learned counsel for the petitioners, submitted that the lower Court may be directed to proceed with the suit up to the state of passing of judgment.

In the light of the above submission of the learned counsel, the order under revision is set aside and the civil revision petition is allowed. I.A.No.866 of 2011 is allowed and the delay is condoned.

The lower Court is permitted to proceed with O.S.No.477 of 1983 till the stage of passing of judgment and decree and directed not to finally dispose of the suit till LPA.Nos.194 of 2000 and 14 of 2001 are disposed of.

JUSTICE C.V. NAGARJUNA REDDY

JUSTICE T. RAJANI

Date: 04.04.2017
LSK/DSK



