

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

CIVIL REVISION PETITION No.263 of 2017

Date:27.01.2017

**Between:**

Sunkara Venkata Trinadh Kumar,  
S/o Late Venkata Rao

..... Petitioner

**And:**

Sanapala Venkata Satyanarayana,  
S/o Sanyasayya

.....Respondent

Counsel for the petitioner: Ms. J.Sunitha

For Mr. K.B.Ramanna Dora



The Court made the following:

ORDER.

This Civil Revision Petition arises out of order, dated 01.12.2016, in I.A.No.14 of 2015 in O.S.No.413 of 2013 on the file of the learned II Additional Senior Civil Judge, Visakhapatnam, whereby he has allowed the said I.A. filed by the petitioner subject to his depositing of 50% of the decretal amount on or before 20.01.2017.

I have heard Ms. J.Sunitha, learned counsel representing Mr. K.B.Ramanna Dora, learned counsel for the petitioner and perused the record.

The respondent filed the afore-mentioned suit for recovery of Rs.3 lakhs along with interest at 24% per annum from the petitioner. The petitioner, who allegedly received summons in the suit, remained *ex parte*. Therefore, the lower Court has passed *ex parte* decree on 29.10.2013. Thereafter, the petitioner has filed an application under Order-IX Rule-13 of the Code of Civil Procedure for setting aside the *ex parte* decree. He has also filed I.A.No.14 of 2015 for condonation of delay of 355 days in filing the said application. The lower Court observed that though the petitioner was served with personal notice in the suit, he did not contest the same and allowed the *ex parte* decree to be passed. It has, accordingly, rejected the plea of the petitioner that he was not aware of filing of the suit.

However, taking a lenient view, the lower Court has set aside the *ex parte* decree subject to the afore-mentioned condition.

Having considered the facts and circumstances of the case, I am of the opinion that the lower Court has not committed any jurisdictional error in imposing the afore-mentioned condition. Hence, the Civil Revision Petition is dismissed. However, time for deposit of the amount by the petitioner as per the direction of the lower Court is extended by four weeks from today.

As a sequel to dismissal of the Civil Revision Petition, CRPMP.No.339 of 2017 filed by the petitioner for interim relief stands dismissed as infructuous.



JUSTICE C.V.NAGARJUNA REDDY

27<sup>th</sup> January, 2017

DR