

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

CIVIL REVISION PETITION No.4430 of 2017

08.09.2017

Between:

Sri Alugu Karunakar Rao @ Karunakar

..Petitioner

and

Rednam Venkata Rao

..Respondent

Counsel for the petitioner: Mr.Reddy Venkata Ramana

Counsel for the respondent: --

The Court made the following:



ORDER:

This Civil Revision Petition is filed by the petitioner in Rent Control Case (R.C.C.) No.26 of 2014 on the file of the Rent Controller-cum-IV Additional Junior Civil Judge, Visakhapatnam, feeling aggrieved by order, dated 27.04.2017, passed in I.A.No.207 of 2016 in the said R.C.C.

2. We have heard Mr.Reddy Venkata Ramana, learned counsel for the petitioner, and perused the record.

3. The petitioner filed the aforementioned R.C.C. for deposit of rents into the Court. As Rednam Sooria Row & Dharma Row Charities (for short 'the Trust') - the respondent in the R.C.C., remained *ex parte*, the Court below allowed the R.C.C. as prayed for. Later, the respondent herein filed an application under Order IX C.P.C. for restoration of the R.C.C. along with I.A.No.207 of 2016 under Section 5 of the Limitation Act, 1963 for condonation of delay of 572 days in filing the said application. In the affidavit filed in support of the aforesaid I.A., it is stated that when the R.C.C. was coming up for further evidence, the then Secretary of the Trust *viz.*, R.S.Ravi Gurunadh passed away and that therefore, the case could not be further prosecuted. It is further averred that later Rendam Venkata Rao – the respondent herein, was appointed as Secretary of the Trust and after he took over the charge as Secretary of the Trust, he filed the aforesaid I.A. Accepting the above explanation, the Court below condoned the delay.

4. In our opinion, ordinarily the discretion exercised by the Court below for condonation of delay is not liable to be interfered with by a revisional Court unless the approach of the Court below in exercising such discretion is *ex facie* perverse or the opposite party suffers irreparable

injury on account of exercise of such discretion. The present case does not fall in either of these two categories. Hence, the order of the Court below does not suffer from any jurisdictional error warranting interference of this Court in exercise of its revisional jurisdiction under Section 115 C.P.C.

5. The Civil Revision Petition is, accordingly, dismissed.

6. As a sequel to dismissal of the C.R.P., C.R.P.M.P.No.5816 of 2017 filed by the petitioner for interim relief shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

08th September, 2017

GHN

