

**THE HON'BLE SRI JUSTICE P.NAVEEN RAO**

**CIVIL REVISION PETITION No.3100 OF 2017**

**DATED : 17.11.2017**

Between :

Nalla Leela Rani W/o.Jagadish Babu,  
Aged 45 yrs, Occu : Household,  
R/o.Ursu, Warangal.

.. Petitioner

And

Kapa Nagaraju S/o.Venkateshwarlu,  
Aged 38 yrs, Occu : Business,  
R/o.H.No.6-2-56, Kareemabad, Warangal & others

.. Respondents



This court made the following :

**THE HON'BLE SRI JUSTICE P.NAVEEN RAO**

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**ORDER:**

Heard learned counsel for the petitioner and learned counsel for the respondents.

2. Petitioner herein is the plaintiff who instituted the suit in O.S.No.186 of 2011 for permanent injunction. On 02.04.2014 as there was no representation on behalf of the plaintiff, the trial Court dismissed the suit for non-prosecution. Praying to set aside the order of dismissal of the suit for non-prosecution, a petition was filed. Since there is delay of 81 days in filing the said petition, plaintiff filed I.A.No.1508 of 2014 to condone the delay. The said application was considered and by the order against which this revision is filed, the trial Court was not inclined to condone the delay and dismissed the petition.

3. As seen from the order of the trial Court, the main suit was posted on 15.02.2012 and after granting several adjournments, matter was listed on 04.09.2012. Though several opportunities were afforded to the plaintiff to commence the trial, she took several adjournments and on the last date, as there was no representation on behalf of the plaintiff, the suit was dismissed for non-prosecution. Plaintiff filed I.A.No.1701 of 2012 seeking to restore the suit. The same was granted by order dated 18.12.2013 by imposing costs of Rs.200/- and on condition that plaintiff shall file chief-affidavit by the next date, otherwise, the order would stand cancelled and the matter was directed to be listed on 22.01.2014. However, on the said date, on a petition filed by the

plaintiff under Order 17 Rule 1 of Code of Civil Procedure, to grant time, the matter was adjourned to 18.02.2014 for filing chief affidavit and subsequently to 02.04.2014. By that date also, the plaintiff failed to file chief affidavit. As there was no representation on that date, the suit was dismissed for non-prosecution.

4. Having regard to the history of the case, and the fact that inspite of affording due opportunities, and accommodation the plaintiff did not file chief-affidavit and the trial Court did not find any bonafides in the claim of the petitioner/plaintiff in prosecuting the suit.

5. As noted above, the suit is of the year 2011 and for no valid reason, petitioner failed to file the chief affidavit though sufficient opportunity was afforded and allowed the suit being dismissed for non-prosecution on two occasions. Having regard to the facts of this case, I do not see any error in the order of the trial Court in rejecting the application to condone the delay.

6. The Civil Revision Petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this civil revision petition shall stand closed.

17<sup>th</sup> November 2017  
Rds

**P.NAVEEN RAO,J**