

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

C.R.P.No.2117 of 2017

ORDER

This revision is directed against the order dated 15.02.2017 passed in I.A.No.491 of 2016 in un-numbered A.S.No. of 2016 by the learned Principal District Judge, Srikakulam.

2. Heard both sides and perused the material on record.
3. Aggrieved by the orders passed in the claim petition, respondents 1 and 2/deGREE holders filed appeal before the Court of Principal District Judge, Srikakulam, along with I.A.No.491 of 2016 to condone the delay of 64 days in filing the appeal. In the said appeal, the claim petitioner was shown as first respondent and respondents 2 to 11 have not contested the matter.
4. Learned counsel for revision petitioner/1st respondent contended that though the revision petitioner filed a detailed counter strongly opposing the application for condonation of delay, the Court below did not consider the same and subsequently, allowed the said I.A. He further contended that the trial Court ought to have given an opportunity to the revision petitioner to put forth his case. Thus, he prays to allow the revision by setting aside the order impugned.
5. It appears that non-contesting respondents have stated no-objection for allowing the application for condonation of delay and consequently, the Court below allowed the application by condoning the delay of 64 days in filing the appeal on payment of costs of Rs.500/- by petitioners to the 1st respondent. It is to be noted that

even though the petitioner/1st respondent filed counter, the same has not been considered by the Court below.

6. Considering the facts and circumstances of the case, I feel that it is a fit case where the impugned order is liable to be set aside.

7. Accordingly, the Civil Revision Petition is allowed, setting aside the order dated 15.02.2017 passed in I.A.No.491 of 2016 in un-numbered A.S.No. of 2016. The learned Principal District Judge is directed to dispose of I.A.No.491 of 2016 after affording an opportunity of hearing to the revision petitioner/1st respondent to put forth his case. No order as to costs. Miscellaneous applications, if any, pending in this revision shall stand closed.

19th June, 2017

sj

M.S.K.JAISWAL,J

