

HON'BLE SRI JUSTICE D.V.S.S. SOMAYAJULU

CRP No.3749 of 2012

ORDER:

This revision is directed against the order dated 08.06.2012 in I.A.No.1399 of 2011 on the file of the Court of the Principal District Judge, Visakhapatnam.

Heard learned counsel for both the parties.

The Court below dismissed I.A.No.1399 of 2011 filed for condonation of delay of 364 days in filing the application holding that no valid grounds are given to condone the delay.

Learned counsel for the petitioner has produced a Medical Certificate dated 07.06.2011, which states that Sri N.Nookaraju was suffering from Vertigo fever from 01.04.2010 to 30.05.2011. Precisely, on that date the affidavit was filed in the lower Court. The affidavit, however, says that he was sick for a period of one month and due to ill health he was not able to contact his counsel and thereafter the counsel was also fell ill. Subsequently, his father-in-law was bed ridden and took his last breath and thus there was delay of 364 days in filing the application and prays that the delay may be condoned. The lower Court noticed that he did not file any document in proof of the submissions and also noticed that the reasons stated are not satisfactory or convincing. Even during the course of hearing, no convincing reasons were put forth for condoning the delay. Neither the affidavit nor Death

Certificate of father-in-law were filed to prove that the submissions in the affidavit are, in fact, correct.

For all these above reasons, this Court holds that there are no satisfactory reasons for condoning the delay. It is true that the length of the delay is not important, but it is the causes for the delay that are important and the causes are not satisfactorily explained in this case. Hence, I see no illegality or irregularity in the order impugned.

In the result, the civil revision petition is dismissed. No order as to costs.

Consequently, miscellaneous petitions, if any, pending in this revision shall stand closed.

Date: 27.10.2017
KLP

D.V.S.S. SOMAYAJULU, J

