

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

CIVIL REVISION PETITION No.1310 of 2017

ORDER:

Heard learned counsel for the revision petitioner/defendant to O.S.No.208 of 2007 and also the learned counsel for the revision respondent/plaintiff of the suit.

It is impugning the dismissal of the application to condone the delay of 92 days vide I.A.No.23 of 2014 by the learned Senior Civil Judge, Bhongir, which is an application to set aside the exparte decree passed on 02.09.2014. The impugned order from its perusal practically no way requires interference, but for from the ground make out in saying despite medical certificate filed, it was not considered, the copy of the said medical certificate issued by the Civil Assistant Surgeon of Gandhi Hospital, Secunderabad, dated 01.12.2014 as a fitness certificate with reference to the earlier certificate for entitlement on medical leave from advice of bed rest from 15.04.2014 to 30.11.2014. There is nothing to even say any medical leave granted pursuant to it by the employer if at all such certificate was obtained and produced for the purpose of medical leave as can be seen from the certificate. In this revision, this Court is not in a position to decide that aspect.

Having regard to the above and in the result, the revision petition is allowed by setting aside the impugned dismissal order and remanded the matter back to the lower Court to permit both parties to adduce evidence also with reference to it and dispose of the same on merits along with the application under Order 9 Rule 13 CPC on own merits.

Consequently, miscellaneous petitions, if any shall stand closed. No costs.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 21.07.2017
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