

HONOURABLE SRI JUSTICE P.NAVEEN RAO

CIVIL REVISION PETITION NO.4643 OF 2017

Date: 20.11.2017

Between:

Kanubaddi Linga Reddy, S/o Ram Reddy,
Aged 52 years, occu: BSNL Employee,
R/o 7-6-208, Kapuwada, Warangal District,
Telangana State and another.

.....Petitioners/
plaintiffs

and

Patan Noorjahan Begum, w/o. late Khizer Khan,
Aged about 68 years, Occu: Housewife,
R/o H.No.16-7-141/1, Girmajipet, Warangal
District and others.

.....Respondents/
defendants



The Court made the following:

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ORDER:

Petitioners/plaintiffs filed O.S.No.135 of 2015 on the file of II Additional District Judge, Warangal, for specific performance of agreement of sale, dated 01.07.2013, alleged to have been executed by the defendants 1 to 6 in favour of the plaintiffs and the defendant no.7. Defendants 1 to 6 were set *ex parte* and on due consideration of the claim, by judgment dated 28.04.2017, suit was decreed and directed the plaintiffs to deposit into the Court

65.00 lakhs within a week from that day. On such deposit, defendants 1 to 6 were directed to execute registered sale deed in favour of plaintiffs in respect of the suit schedule property. Petitioners/plaintiffs filed I.A.No.507 of 2017 praying to enlarge time fixed for payment of balance sale consideration. Said I.A., was filed in June, 2017. When I.A. came up for consideration before the lower Court, there was no representation on behalf of plaintiffs. The Court below also noticed that amount, as directed, was not deposited. Accordingly the I.A., was dismissed, against which this revision petition is filed.

2. Even assuming that there was justification for the petitioners/plaintiffs to seek enlargement of time fixed by the lower Court, in the I.A. petitioners sought one month time and said I.A. was moved in June, 2017. Thus, by the time I.A. itself was taken up for consideration, the time sought expired. Even now, the plaintiffs do not express their readiness to deposit the amount and learned counsel for petitioners says that from now, if two months

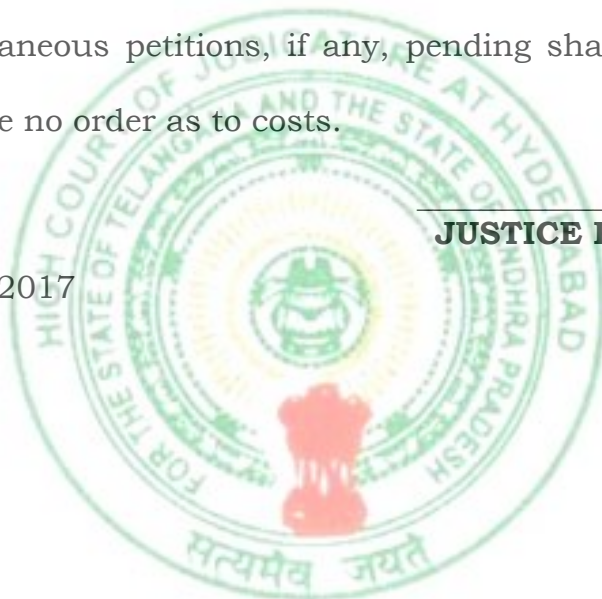
time is granted, the amount may be deposited. In the affidavit filed in support of the CRP MP, petitioners state that with the financial crunch, they could not comply with the directions issued by the lower Court. The means to make available said amount is not disclosed. No explanation is forthcoming as to why petitioners were not present when the case was called before the lower Court.

3. Having regard to the facts noted above, I do not see any error committed by the Court below warranting interference by this Court. Civil Revision Petition is accordingly dismissed.

Miscellaneous petitions, if any, pending shall stand closed.
There shall be no order as to costs.

Date: 20.11.2017
kkm

JUSTICE P.NAVEEN RAO



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