

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CIVIL REVISION PETITION No.3133 OF 2017

ORDER:

The application, in I.A.No.168 of 2016 in A.S. No. Unnumbered/2016 (C.F.No.8133, dated 28.10.2016), filed by the petitioners-Plaintiffs, invoking Order 41 Rule 3-A of Civil Procedure Code, to condone the delay of 30 days in filing the appeal, is dismissed by the learned Principal District Judge, Anantapur, by an order dated 26.04.2017. Challenging the same, present Civil Revision Petition is filed.

2. Heard the learned counsel for the petitioners.

3. As could be seen from the record, the delay is only about 30 days and the reasons stated in the delay condonation petition are that the 1st petitioner was unwell and suffering from paralysis and in that process he was taking care of his brother and the learned Judge while dismissing the delay condonation had stated that while the 1st petitioner was suffering from paralysis he might be treated but the 2nd petitioner-appellant could have filed the appeal. In other words, the Court did not disbelieve the reasons stated about the ailment of the 1st petitioner. Since the delay being only 30 days and appeal being a valuable right, the Court below ought to have taken a pragmatic view and condone the delay putting the appellants on terms.

4. In those circumstances, the delay of 30 days is condoned, on condition of petitioners paying a sum of Rs.1,000/- to the respondents within one week from the date of receipt of a copy of this Order.

5. With the above direction, the Civil Revision Petition is allowed setting aside the impugned order. No costs.

6. Miscellaneous petitions pending, if any, shall also stand closed.

CHALLA KODANDA RAM, J

Dated:27.12.2017.

Ssv

