

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

CIVIL REVISION PETITION No.1799 OF 2017

DATED : 06.06.2017

Between :

Sri Vasavi Chits & Finance,
A partnership firm having been registered with
Registrar of Firms, Warangal vide
Regd. No.07586/1993 having its
Registered office at H.No.8-794/1,
J.P.N.Road, Warangal rep., by its Foreman
A.Venkataiah, S/o.Ramaiah, Aged 48 yrs,
R/o.Warangal.

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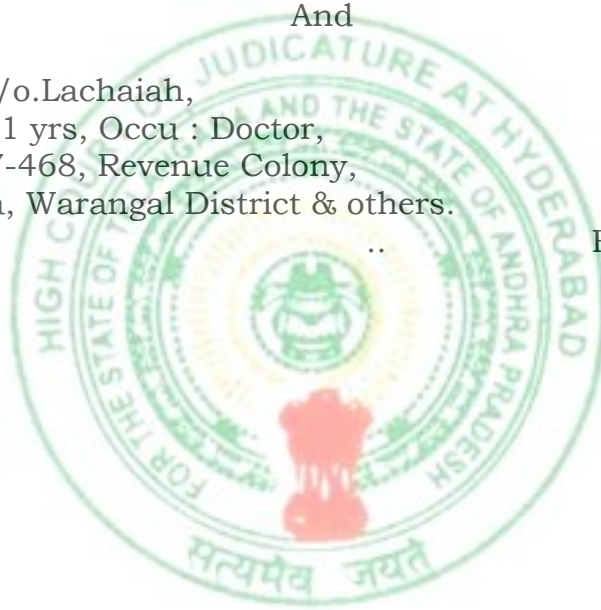
Petitioner

And

M.Sridhar, S/o.Lachaiah,
Aged about 51 yrs, Occu : Doctor,
R/o.H.No.1-7-468, Revenue Colony,
Hanamkonda, Warangal District & others.

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Respondents



This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER :

Petitioner/Plaintiff-Chit Fund Company instituted O.S.No.691 of 2006 on the file of Principal Junior Civil Judge, Warangal, for recovery of money from the respondents/defendants. The order under revision would disclose that the said suit was dismissed on 03.07.2009. I.A.No.101 of 2016 was filed by the petitioner to condone the delay of 2,299 days in filing the petition to restore the suit by setting aside the order of dismissal. The said application was dismissed.

2. The trial Court noticed that the pleadings in support of the prayer for condonation of delay do not disclose the date of death of the counsel representing the petitioner and steps taken thereafter, by the chit fund company.

3. It cannot be believed that a chit fund company would not be pursuing the litigation for recovery of money and was not aware of the suit instituted in the year 2006 for six long years after the suit was dismissed in the year 2009. The averments in the affidavit filed in support of the petition would also go to show that several other cases were handled by the same counsel and many of the suits were dismissed for default and appropriate steps were taken. However, the pleadings are vague to show when the counsel died and when the chit fund company came to know the death of the counsel and dismissal of the suits. Normally the list of defaulters would be more for the chit fund company and therefore, it would

be prosecuting the litigation and would be in consistent liaison with the counsel appearing for them.

4. Thus, it cannot be believed that for six long years petitioner-Company was unable to trace the record and would not take steps to seek restoration of the suit. I therefore, see no reason to interfere with the well considered order of the trial court.

5. Accordingly, the Civil Revision Petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Revision shall stand closed.

6th June, 2017
Rds



P.NAVEEN RAO,J