

HON'BLE SRI JUSTICE SURESH KUMAR KAIT

C.R.P. No. 6385 of 2017

ORDER:-

This Civil Revision Petition is filed challenging the order dated 07.09.2017 in I.A.No. 42 of 2017 in O.S.No. 37 of 2011 passed by the Principal Junior Civil Judge, Narasaraopet, whereby the Interlocutory Application filed by the petitioner under Section 5 of the Limitation Act seeking to condone the delay of 1570 days in filing a petition to set aside the *ex parte* decree dated 01.06.2013 passed in O.S.No. 37 of 2011, was dismissed with costs.

The admitted case of the petitioner is that he had knowledge about the *ex parte* decree dated 01.06.2013. In the impugned order it is observed that the petitioner filed a petition on 07.06.2013 under Order 9 Rule 13 C.P.C., however there was no cogent evidence specifically relevant C.F.R. entry, etc. The trial Court further observed that even if it is assumed that the petitioner's contention that the petition is not traced out, is correct, the delay of 1570 days in filing the petition under Order 9 Rule 13 C.P.C. cannot be condoned on the ground that the ailment i.e. High Blood Pressure, the petitioner is said to have been suffering from, is not serious ill-health.

If the petitioner was suffering from Blood Pressure at least he could have consulted his Advocate over phone or other modes of communication. Blood Pressure is not a serious disease which continues for months together. Moreover, the petitioner has not produced any medical reports which proved his ailment and prevented him from not filing the petition for setting aside the *ex parte* decree.

For the aforementioned reasons, this Court is of the considered opinion that the petitioner has failed to explain the inordinate delay of 1570 days in filing the petition under Order 9 Rule 13 C.P.C. Therefore, the order passed by the trial Court is perfectly justified and the same cannot be interfered with.

Hence, this Court does not find any merit in the Civil Revision Petition, and the same is accordingly dismissed. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

---

SURESH KUMAR KAIT, J

24.11.2017

bcj