

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

CIVIL REVISION PETITION NO.3855 OF 2018

DATED:20-07-2018

Between:

Chinthada Narayanaswamy
and another

... Petitioners

And

Bora Satyanarayana

... Respondent

COUNSEL FOR THE PETITIONERS: Mr. T.D. Phani Kumar,
for Mrs. Radha Rani

COUNSEL FOR THE RESPONDENT: -



THE COURT MADE THE FOLLOWING:

ORDER:

This civil revision petition is filed against order dt.31.10.2017 in I.A. No.342 of 2015 in O.S. No.872 of 2011 on the file of the I Additional Senior Civil Judge, Visakhapatnam.

I have heard Mr. T.D. Phani Kumar, representing Mrs. T. Radha Rani, learned counsel for the petitioners, and perused the record.

By the aforementioned order the Court below has dismissed I.A. No.342 of 2015 filed for condonation of the delay of 1267 days in filing (wrongly shown as representing in the order and the decree) the application to set aside *ex parte* decree dt.10.10.2011. In support of their plea the petitioners have stated that as summons in the suit were not served, they were not aware of passing of the *ex parte* decree. The Court below, however, rendered a finding that a perusal of the suit docket shows that both the petitioners received summons on 08.07.2011 personally and that on 16.08.2011 an Advocate, by name Mr. M. Ravi, has filed his Vakalat and the matter was adjourned to 10.10.2011 for filing written statement. That when the petitioners failed to file written statement on

10.10.2011, they were set *ex parte* on the said date and the case was posted for plaintiff's side evidence to 18.10.2011. In this revision petition, the petitioners failed to question the findings of fact recorded by the lower Court. It is thus evident that the petitioners who have allowed the *ex parte* decree to be passed, slept over the matter for more than three years and filed the aforementioned I.As with a false plea that they have not received the summons. I, therefore, do not find any reason to interfere with the order of the lower Court.

The civil revision petition is accordingly dismissed.

As a sequel to dismissal of the civil revision petition, I.A. No.2 of 2018 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

20-07-2018

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