

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

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

CIVIL MISCELLANEOUS APPEAL No.358 of 2017

&

CIVIL REVISION PETITION No.1259 of 2017

DATE: 26-10-2018

Between:

K.Hanumantha Reddy

..... APPELLANT/PETITIONER

AND

Revanuru Nagaiah and 4 others

.....RESPONDENTS

COUNSEL FOR THE PETITIONER : Mr.JANARDHANA REDDY PONAKA
For Mr.VENKAT REDDY KODUMURY

COUNSEL FOR RESPONDENT No.1: Mr.G.RAMESH BABU



THE COURT MADE THE FOLLOWING:

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
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THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

CIVIL MISCELLANEOUS APPEAL No.358 of 2017

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CIVIL REVISION PETITION No.1259 of 2017

COMMON JUDGMENT: (per Hon'ble Sri Justice C.V.Nagarjuna Reddy)

These two cases arise out of common order, dated 18.11.2016, in I.A.Nos.945 & 946 of 2015 in O.S.No.21 of 2012, on the file of the IV Additional District Judge, Kadapa, whereby he has dismissed I.A.No.945 of 2015 filed for condonation of delay of 566 days in filing I.A.No.946 of 2015 for setting aside the *ex parte* decree.

Having regard to the fact that the appellant/petitioner is one of the judgment debtors, and in the light of the offer made by the learned counsel, representing him, that he is prepared to deposit 1/3rd of the E.P amount, Mr.G.Ramesh Babu, learned counsel for respondent No.1, fairly agreed for setting aside the impugned order so as to give an opportunity to the appellant/petitioner to contest the suit on merits.

Accordingly, the common order, assailed in these cases, is set aside. I.A.Nos.945 & 946 of 2015 are allowed, subject to the appellant/petitioner depositing to the credit of E.P.No.117 of 2014, 1/3rd of E.P.amount within 8 weeks from today. The amount so deposited shall be kept in an interest yielding fixed deposit till the disposal of the suit. In default of compliance of the condition, stipulated above, with regard to depositing of the money, this order would automatically stand nullified and both the I.As shall stand dismissed.

The civil miscellaneous appeal and the civil revision petition are accordingly allowed, subject to the condition, stipulated above. No order as to costs.

As a sequel to disposal of these two cases, I.A.No.1 of 2017 in CMA No.238 of 2017. filed for interim relief, shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY,J

T.AMARNATH GOUD,J

Date: 26.10.2018
Dsr

