

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Civil Revision Petition No.3309 of 2018

Date: 29.06.2018

Between:

Bon Mon Prem Raj

.. Petitioner

and

Kadiri Venkata Murthy

.. Respondent

Counsel for the Petitioner : Mr.Akkam Eshwar

The Court made the following:



Order :

This Civil Revision Petition arises out of Order, dated 23-12-2017, in IA.No.1422 of 2015 in OS.No.312 of 2011, on the file of the IV Additional District Judge at Visakhapatnam.

The petitioner suffered an *ex parte* decree on 26.04.2013 in OS.No.312 of 2011 filed by the respondent for recovery of money. After the respondent instituted Execution Proceedings, the petitioner has filed the aforesaid IA for setting aside the *ex parte* decree along with another Application for condonation of delay of 934 days in filing the same. The latter Application was registered as IA.No.1432 of 2015, which was dismissed by the Court below with the following reasons:

“Petitioner did not choose to adduce evidence either oral or documentary in proof of his aforesaid version. The affidavit of petitioner filed in support of his application also does not disclose clearly when the suit summons were issued and when the alleged unrest was there in the state and when he fell sick and when he recovered from illness. The delay is 934 days in filing application under Order 9 Rule 13 CPC. The explanation offered by the petitioner for the said delay is not convincing and it does not inspire any confidence.

Therefore, it can be concluded safely that petitioner failed to explain the delay of 934 days in filing application under order 9 R.13 CPC.”

After hearing the learned Counsel for the petitioner and perusing the reasons assigned by the Court below, I do not find any error in the same.

The Civil Revision Petition is, accordingly, dismissed.

(C.V.Nagarjuna Reddy, J)

Dt: 29th June, 2018
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