

HON'BLE SRI JUSTICE S.V.BHATT

C.R.P. No.847 OF 2013

ORDER:

Heard counsel for petitioner.

The revision petitioner/Decree Holder/auction purchaser died during the pendency of the revision and his LRs are brought on record.

Aggrieved by the order in EA. No.2 of 2013 in EP. No.92 of 2004 in O.S. No.233 of 2001, the petitioner filed this revision. EA. No.2 of 2013 is filed by petitioner to condone the delay of 19 days for deposit non-judicial adhesive stamps amount into Court.

The case of petitioner is that he did not deposit the amount towards non-judicial adhesive stamps due to lack of knowledge and that the petitioner was informed that the non judicial adhesive stamps amount to be deposited later and on that ground the petitioner did not deposit the same. Therefore, there is no willful default on the part of the petitioner.

The trial Court concluded that the executing Court has no power to extend any time for depositing such amount beyond the time stipulated in Rules 84 and 85 of Order XX1 of Civil Procedure Code and dismissed the EA.

I have perused the record and taken note of the submissions made by the counsel for the petitioner. This Court is of the view that the order impugned in the revision does not warrant interference. The revision fails and is accordingly dismissed. No order as to costs.

Miscellaneous petitions pending if any shall stand closed.

S.V.BHATT, J

Date:27.11.2018
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