

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
MONDAY ,THE TWENTY FOURTH DAY OF SEPTEMBER TWO THOUSAND AND
EIGHTEEN
:PRESENT:
THE HONOURABLE SRI JUSTICE D.V.S.S.SOMAYAJULU**

**IA No. 4 OF 2018
IN
CRP NO: 2572 OF 2015**

Between:

Chetla Shakunthala W/o late Bhadraiah

Petitioner/Appellant/Defendant

AND

Smt. Chetla Nagamani W/o Srinivasa Rao, R/o Gopal Rao Market, Kothagudem Town
and Mandal, Khammam District.

Respondent/Respondent/Plaintiff
(Respondents in-do-)

Petition under Section 148 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant further extension of time for filing written statement in OS.No. 160/2005 on the file of learned Principal Senior Civil Judge, Kothagudem, Bhadrachalam-Kothagudem Dist., as ordered in CRP No. 2572/2015 dt. 2-1-2018.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed herein and the order of the High Court dated 02.01.2018 made in CRP 2572/15 and upon hearing the arguments of Sri Kowturu Vinay Kumar Advocate for the Petitioner, Sri S. MADAN MOHAN RAO, Advocate for the Respondent, the Court made the following

ORDER

This application is filed seeking retrospective extension of time to the orders passed in C.R.P.No.2572 of 2015 on 02.01.2018.

On 02.01.2018, this Court set aside the *ex parte* decree and permitted the present petitioner to contest the suit by filing the written statement within one week from the date of the receipt of the said order.

After the order was passed, it appears that the copy of the order was dispatched on 15.02.2018 and the same was intimated by the petitioner's counsel. The petitioner, who is an aged lady of 80 years, states that because of her health reasons, she could not file the written statement within the said period of seven days and could file it with a delay of approximately 20 days. By an order dated 24.04.2018 the lower Court rejected the memo stating that the defendant is not entitled to contest the suit without obtaining the extension of time from the High Court. In view of the said order, the present Interlocutory Application is filed seeking extension of time.

Learned counsel for the respondent, on the other hand, strongly opposes this application and states that the defendant is taking advantage of the liberty granted by this Court and is abusing the process of the Court.

This Court, after considering the memo and the order passed by the learned Principal Senior Civil Judge, Kothagudem, is of the opinion that as the written statement is filed, the orders passed in C.R.P.No.2572 of 2015 should be suitably extended. Accordingly, in the interest of justice, considering the age of the petitioner, the time granted by this Court for filing of the written statement is extended till 19.03.2018 retrospectively. In this view of the matter, the lower Court is directed to receive the

written statement as the *ex parte* order is already set aside by this Court by its order dated 02.01.2018.

The apprehension of the learned counsel for the respondent of the delay in the proceedings are noted. While an opportunity is being granted to the defendant to file the written statement and contest the matter, the lower Court is directed to be very vigilant in case of any request for adjournment is made by the defendant. Learned counsel for the petitioner states that they will cooperate in the disposal of the suit. The lower Court is directed to take up the hearing of the matter on priority. Any request for adjournment should be dealt with very strictly in accordance with law. The lower Court is also directed to proceed with the matter without in any way being influenced by this order.

In view of the undertaking given that the defendant will cooperate in the suit, these directions are passed.

Sd/- CH. VENKATESWARLU
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The V Additional District Judge, Kothagudem, Khammam District
2. The Principal Senior Civil Judge, Kothagudem, Khammam District
3. One CC to Sri Kowturu Vinaya Kumar, Advocate (OPUC)
4. One CC to Sri S MADAN MOHAN RAO, Advocate (OPUC)
5. One Spare Copy

Gk

HIGH COURT

DVSSJ

DATED:24/09/2018

ORDER

**IA No.4 OF 2018
IN
CRP.No.2572 of 2015**

DIRECTION

