

HON'BLE SRI JUSTICE D.V.S.S.SOMAYAJULU

CIVIL REVISION PETITION No.3767 OF 2014

ORDER:

This revision is filed against the docket order dated 24.06.2014 passed in I.A.No.103 of 2014 in O.S.No.6 of 2000 by the learned Senior Civil Judge, Sompeta, Srikakulam District.

I.A.No.103 of 2014 was filed to condone the delay of 1357 days in filing the LR application. The Court below passed the impugned order on 24.06.2014 refusing to condone the said delay and accordingly, dismissed the application. Hence, this Civil Revision Petition.

Heard the learned counsel for both sides.

Learned counsel for the petitioners relied on a decision reported in **Banwari Lal (D) by LRs. and another v. Balbir Singh**¹ and argued that rules of procedure should be liberally construed and that the party should be given an opportunity to contest the matter.

This Court notices that apart from the judgment cited by the learned counsel, the Hon'ble Supreme Court of India in the case of **Esha Bhattacharjee v. Managing Committee of Raghunathpur Nafar Academy and others**² summarized the points to be considered by a Court in dealing with the applications filed for condonation of delay. The Hon'ble Supreme Court clearly stated that the affidavit should be drafted with care and that the Court also should see that the condonation of delay is not be dealt with in a routine manner. In the light of the said judgment of the

¹ AIR 2015 SC 3573

² (2013)12 SCC 649

Hon'ble Supreme Court of India and in view of Section 5 of the Limitation Act, this Court is of the opinion that the ratio in ***Banwari Lal's*** case is not applicable to the present case. This Court notices that no satisfactory explanation was given for the delay. The affidavit is devoid of facts and it merely says that the petitioner came to know about the pendency of the suit "very recently". After hearing both the counsel, this Court is of the opinion that sufficient cause was not made out to condone the said delay.

Hence, the Civil Revision Petition is dismissed.

Miscellaneous Petitions, if any, pending shall stand closed.

No costs.

Date : 11.12.2018
ssp

D.V.S.S.SOMAYAJULU, J

