

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

C.R.P.NO.22 OF 2014

ORDER:-

This revision petition is filed questioning the order, dated 29-07-2013 in I.A.No.130 of 2010 in unnumbered A.S.No... of 2010 on the file of the court of Senior Civil Judge, Sompeta.

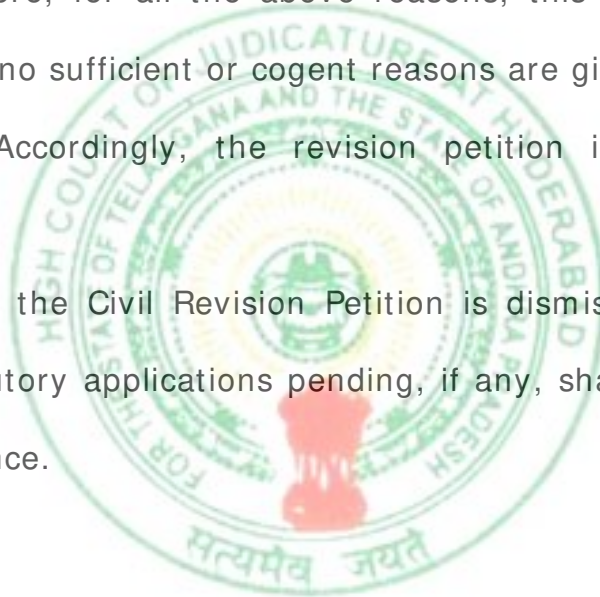
2. The first appeal is filed along with a delay of 402 days. The cause given in the application is that since the first week of October,2009 onwards the petitioner has been suffering from chronic jaundice and is bedridden for a more than one year and one month. The respondent filed his counter denying the entire allegations. It is very specifically averred that the cause of the delay is invented for the purpose of the case. The lower court after hearing both the sides came to a conclusion that absolutely no cause is made out to condone the delay. The court also held that no documentary evidence is filed to show that the petitioner was in fact bedridden for a period of 402 days or even a lesser period.

3. During the course of hearing before this court, the learned counsel for the petitioner argued that the petitioner took some native medicine, as such, he does not have any record to file in proof of the contention that his client is bedridden for more than one year. This court notices that the petitioner is a businessman and his address mentioned in the cause title as Reshma Fashions, Near Kasibugga, Palasa Mandal, Srikakulam District. This court finds it hard to believe that a businessman doing business in Kasibugga was suffering from jaundice for more than one year and that he took some native medicine given by a

Tribal. Even during the course of hearing, nothing is pointed out about the alleged sickness or the treatment. The affidavit filed in the lower court is absolutely silent. New cause of action cannot be allowed to be raised in the appeal. Therefore, in view of the judgment of the Hon'ble Supreme Court in *Esha Bhattacharjee vs Managing Committee Of Raghunathpur Nafar*(¹) wherein the Apex Court held that practice of treating the delay as a non-serious matter should be looked down upon, this court finds no reason to interfere.

4. Therefore, for all the above reasons, this court is of the opinion that no sufficient or cogent reasons are given to condone the delay. Accordingly, the revision petition is liable to be dismissed.

Hence, the Civil Revision Petition is dismissed. No costs. The interlocutory applications pending, if any, shall stand closed in consequence.



D.V.S.S.SOMAYAJULU,J

04-12-2018
TSNR

¹ (2013) 12 SCC 649