

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
&
THE HON'BLE SRI JUSTICE P.KESHAVARAO

I.A.No.1/2018 in/and CMA.No.909/2018

DATE: 05-09-2018

Between:

Dasetti Venkateswara Rao

..... PETITIONER/APPELLANT

AND

Smt.Dasetti Satyavathi

.....RESPONDENT

COUNSEL FOR THE PETITIONERS: Sri PULLA RAO YELLANKI

COUNSEL FOR RESPONDENTS : --

THE COURT MADE THE FOLLOWING:



THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
&
THE HON'BLE SRI JUSTICE P.KESHAVARAO

I.A.No.1/ 2018 in/ and CMA.No.909/ 2018

ORDER: (Per Hon'ble Sri Justice C.V.Nagarjuna Reddy)

I.A.No.1 of 2018 is filed seeking condonation of delay of 2887 days in filing the appeal against the judgment and decree, dated 09.08.2010, in MOP No.4 of 2009, on the file of the Principal Senior Civil Judge, Kothagudem, Khammam District.

We have heard Mr.Pulla Rao Yellanki, learned counsel for the applicant and perused the record.

The applicant has filed the aforementioned OP for dissolution of marriage on the grounds of cruelty and desertion. By a reasoned judgment, dated 09.08.2010, the court below has dismissed the said OP, rejecting both the grounds. Having kept quiet for nearly 8 years, the applicant suddenly woke up from the slumber and filed the appeal with a delay of 2887 days.

The only explanation offered by the applicant/appellant for causing inordinate delay is that he could not contact his counsel due to his personal reasons. The applicant/appellant did not explain as to what those personal reasons are. From the record, it appears that the applicant is nearing 60 years of age and his wife has crossed 50 years. If the applicant was really interested in pursuing his case, he would have been diligent in filing the appeal without unavoidable delay. The applicant cannot be allowed to revive a stale claim without there being any semblance of explanation for condoning the monumental delay.

For the aforementioned reasons, I.A.No.1 fo 2018 is dismissed.

As a sequel to dismissal of I.A.No.1/2018, the appeal, which is barred by limitation, shall stand rejected. No order as to costs.

C.V.NAGARJUNA REDDY,J

P.KESHAVARAO,J

Date: 05.09.2018
Dsr

