

HON'BLE SRI JUSTICE SURESH KUMAR KAIT

I.A.No.1 of 2018
in/and
C.R.P.No.4804 of 2018

COMMON ORDER:

Vide I.A.No.1 of 2018, applicant/petitioner seeks direction, thereby to condone the delay of 299 days in filing the C.R.P., against order dated 04.07.2017 passed in I.A.No.1135 of 2014 in O.S.No.211 of 2011 on the file of the Learned Senior Civil Judge, Bapatla.

The aforesaid I.A., was filed by the petitioner under Section 5 of the Limitation Act to condone the delay of 66 days in filing application to set aside the order dated 11.08.2014 dismissing the aforesaid suit for default. The trial court dismissed the said I.A., by the order impugned, giving rise to filing of the present C.R.P.

I.A.No.1 of 2018 is filed with delay of 299 days and the explanation given for such delay is that due to the shifting of the office of the petitioner, the file was misplaced and could not be traced; in the fourth week of July, 2018, when files were being reshuffled in the shifted office, the file relating to the present case was traced out and thereafter, the present application is filed on 14.08.2018.

Fact remains that, it is nowhere stated in the application as to when the revision petitioner received certified copy of the order dated 11.08.2014 and order dated 04.07.2017 passed by the court below. It is well settled that each day's delay has to be explained. The applicant/petitioner failed in showing any sufficient cause for condonation of delay.

Since there is inordinate delay of 299 days in filing the I.A., against the order dated 04.07.2017 passed in I.A.No.1135 of 2014 in O.S.No.211 of 2011, I see no reason to condone such inordinate and unexplained delay.

I.A.No.1 of 2018 is accordingly dismissed.

As a consequence, C.R.P.No.4804 of 2018 stands dismissed. No order as to costs.

Miscellaneous petitions if any pending in the C.R.P., stand closed.

August 17, 2018
MRR



SURESH KUMAR KAIT, J