

**HONOURABLE SRI JUSTICE CHALLA KODANDA RAM**

**CIVIL REVISION PETITION No. 4915 of 2018**

**ORDER:**

The order, in I.A.No.297 of 2017 in O.S.No.137 of 2012, dismissing the application made by the petitioners seeking to condone the delay of 1100 days in filing petition to set aside the *ex parte* decree dated 20.12.2014 is challenged before this Court.

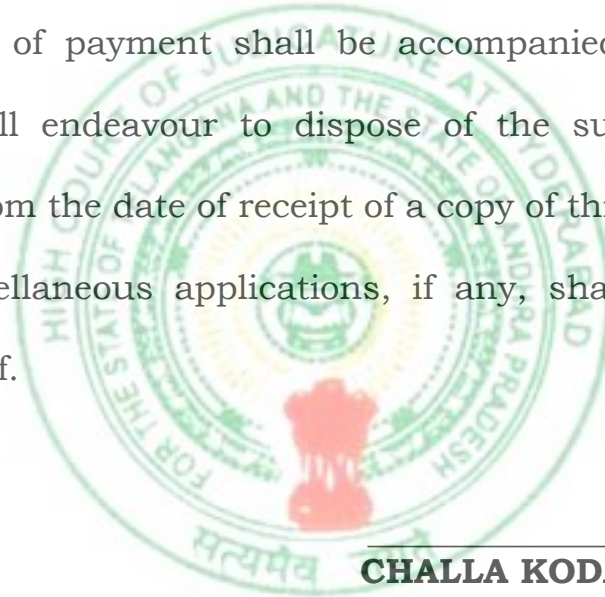
Heard the learned counsel for the petitioners and learned counsel appearing for respondents.

A perusal of the order does not indicate any infirmity in the order. The learned Judge had proceeded on the basis of the material available on record. In those circumstances, really, one cannot find fault with the order under revision. One aspect which the learned Judge has not considered is the fact that the suit came to be filed for partition of the suit schedule property. On account of the petitioners – defendants having been set *ex parte*, virtually what was spoken of by the respondents – plaintiffs was accepted and suit came to be decreed *ex parte*. There is no dispute that there is a close relationship between the petitioners and respondents – defendants and plaintiffs respectively and both the parties claim common ancestry.

In the interest of justice, the Civil Revision Petition is allowed condoning the delay of 1100 days in filing petition

to set aside the *ex parte* decree dated 20.12.2014. Accepting the submission of the learned counsel for the petitioner that within 15 days from today, written statement would be filed and they would cooperate in all respects with the trial of the suit, including taking steps to bring the LRs of defendant No.4 and others. As the delay is caused by the petitioners, they shall pay costs of Rs.20,000/- (Rupees Twenty Thousand Only) to the counsel for respondents – plaintiffs in I.A.No.297 of 2017 and proof of payment shall be accompanied. The Trial Court shall endeavour to dispose of the suit within six months from the date of receipt of a copy of this order.

Miscellaneous applications, if any, shall also stand disposed of.



**CHALLA KODANDA RAM,J**

Date: 17.12.2018

Note:CC as expeditiously as possible

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