

THE HON'BLE SRI JUSTICE S.V.BHATT

CIVIL REVISION PETITION No.4950 OF 2018

ORDER:

Heard Mr.Shyam S Agarwal, counsel for the petitioner. Though notice on the respondent is served, no proof of service is filed and none appears.

2. The revision petitioner filed ASSR No.1615 of 2018 along with I.A.No.338 of 2018 to condone the delay of 44 days in preferring the appeal. The application is dismissed by the learned Principal District Judge, Karimnagar, by impugned order, dated 27.06.2018.

3. I have perused the affidavit of the revision petitioner and also reasoning of the Court below.

4. The suit is filed for Specific Performance of Agreement of Sale, dated 15.02.2006. The said suit is dismissed. The revision petitioner availed the remedy of first appeal before the Court below. In a case like this, this Court is of the view that the learned appellate Judge has taken a very fastidious approach instead of considering the short delay, which has arisen and the reasons stated for such short delay. In cases like this, even the Court condones the delay, by erring on wrong side and accepting the plea given by the party, injustice is not done on the merits of the matter to either party. However, opportunity is afforded to a party to challenge the findings of the Court below in the suit.

5. For the above reasons, the order under revision is set aside and the Civil Revision Petition is allowed. The Court below is

directed to number the appeal, if otherwise in order and proceed in accordance with law.

Miscellaneous petitions, if any, pending in the revision petition shall stand closed. There shall be no order as to costs.

OCTOBER 03, 2018

YVL

JUSTICE S.V. BHATT



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Dt: 03.10.2018

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