

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

C.R.P.No.3697 of 2017

ORDER

This petition under Article 227 of the Constitution of India is filed challenging the docket order dated 30.03.2016 passed in I.A.No.296 of 2016 in O.S.No.79 of 2016 by the I Additional District and Sessions Judge, Nellore, Nellore District.

2. The respondent filed a petition under Section 149 of CPC for extension of time for payment of deficit Court fee, on the ground that he filed the aforesaid suit for recovery of amount based on the promissory note dated 08.10.2012 and the date 21.03.2016 happened to be the last date of limitation. The petitioner had no ready money to pay the entire Court fee because he was suffering from viral fever and had been ridden for the last one week and therefore, he was unable to secure the Court fee required to be paid on the plaint and sought for extension of time. The Court below passed the following order:

“Time till 18.04.2016 granted”.

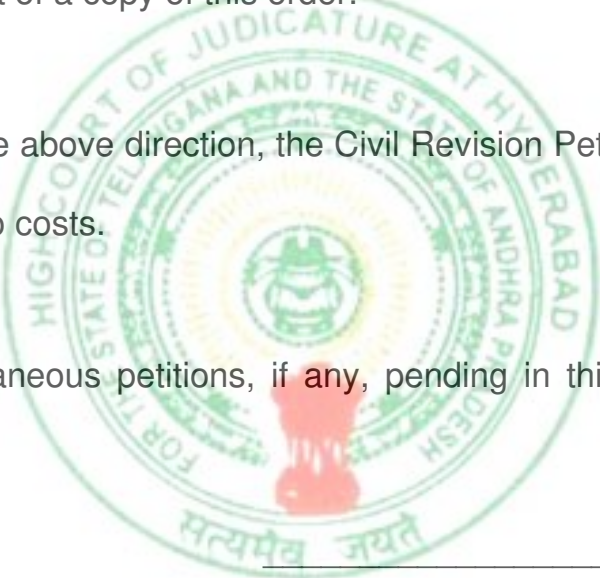
3. The first and foremost contention raised by petitioner before this Court is that the order impugned is cryptic and unreasoned and it cannot be sustained under law.

4. Learned counsel for respondent supported the order since no counter is filed by petitioner.

5. As seen from the order impugned, it is only one sentence order consisting of four words, which is not reasoned. Though the respondent laid a foundation for enlargement of time for payment of Court fee, the Court below did not consider the same and assign any reason for extension of time for payment of Court fee under Section 149 of C.P.C. Therefore, such cryptic order cannot be sustained under law. Hence, the order under challenge is hereby set aside, while remanding the matter to the Court below with a direction to pass reasoned order in accordance with law, within 15 days from the date of receipt of a copy of this order.

6. With the above direction, the Civil Revision Petition is allowed. No order as to costs.

7. Miscellaneous petitions, if any, pending in this revision shall stand closed.



M. SATYANARAYANA MURTHY, J

18th January, 2018

Note:
Issue CC by Monday.

sj