

THE HON'BLE SRI JUSTICE D.V.S.S.SOMAYAJULU

CIVIL REVISION PETITION No.296 of 2014

ORDER:

This civil revision petition is taken up for hearing. The learned counsel for the petitioners is present. There is no representation for the respondent.

This court has heard Sri M.Pratap Singh, learned counsel for the petitioners.

A perusal of the record and the impugned order, dated 12.11.2013, shows that the court below was not convinced with the reasons given for condoning the delay of 1580 days.

As per the averments in the affidavit, the petitioners stated that they came to know about the decreeing of the suit recently. Similarly, in paragraph No.2 of the affidavit filed in support of the application also they stated that they were set *ex parte* and the suit was decreed on 31.03.2009.

The court below noticed that there is a delay of 1580 days. The court also specifically came to the conclusion that a perusal of the summons copy shows that the 1st defendant personally received the suit summons. For Defendants Nos.2 and 3, the summons were served on their wives/adult members of the family. The court came to the conclusion that defendants Nos.2 and 3 duly served, but they did not appear in the main suit. Thereafter, they were *set ex parte* on 20.02.2009. After a month, ultimately on 31.03.2009 an *ex parte* decree was passed.

The learned counsel for the revision petitioners submits that in a village, normally notices are served on third parties and that as the petitioners are agriculturists, a technical view should not be taken. However, a reading of the grounds of revision shows that absolutely nothing is stated about finding of the lower court that the summons were personally served on the 1st defendant and defendants Nos.2 & 3 were also duly served. In the absence of any averment in the grounds of revision about the service and the manner in which it was effected, this court, at this stage, cannot come to any conclusion to the contrary.

The delay of 1580 days is not at all explained. In view of all the above reasons, this court is of the opinion that there are no merits in the civil revision petition. Accordingly, the same is dismissed. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed in consequence.

Date: 05.12.2018
Dsr

D.V.S.S.SOMAYAJULU,J

