

THE HON'BLE SRI JUSTICE S.V.BHATT

C.R.P. No.6356 of 2017

ORDER:

Heard Mr.N.Ranga Reddy, counsel for petitioners and Mr.Srinivas Rao, counsel for respondents.

The petitioners are the plaintiffs in O.S.No.23 of 2007 on the file of learned Senior Civil Judge, Huzurabad.

The suit is for declaration of title and for other consequential reliefs.

On 24.08.2010, O.S.No.23 of 2007 was dismissed for default.

The petitioners herein filed the application vide C.F.No.902 of 2010 for setting aside the default order. The petitioners filed I.A.No.410 of 2012 to condone the delay of 501 days in representation through the order impugned in the revision. The trial Court rejected the prayer for condoning the delay. Hence, the Civil Revision Petition.

On 05.02.2018, Mr.N.Ranga Reddy appearing for petitioners vehemently contended that the trial Court misdirected itself by insisting upon explaining every day's delay, as if the prayer in the instant application is to condone the delay. He further contended that the omission of Advocate is now put against the petitioners and prayed

for setting aside the order dated 13.10.2017 in I.A.No.409 of 2012.

Per contra, Mr.Srinivas Rao contended that in normal circumstances, he would not have opposed the prayer for condoning the delay in representation. However, the case on hand, stands on a different footing inasmuch as the prayer for condoning the delay is made by disclosing all the details and as a matter of fact, though it is not reflected, the C.F.No.902 of 2010 was returned on more than one occasion. Since, the averments in the affidavit refer to return of C.F.No.902 of 2010 on one occasion and keeping in view the other objections raised, this Court has called for the report from the trial Court.

The copy of the report dated 15.02.2018 is placed before the Court and Mr.N.Ranga Reddy is also permitted to go through the report dated 15.02.2018. From the report dated 15.02.2018, it is evident that the petitioners have been too complacent in representing C.F.No.902 of 2010. Further, the learned trial Judge has given cogent reasons, *de horse* what is borne out by record and registers for refusing to condone the delay of 501 days in resubmitting C.F.No.902 of 2010.

The petitioners since have failed to make out the ground for interference and further the report explains the manner in which I.A has been prosecuted by the petitioners, the revision fails and dismissed accordingly. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

S. V. BHATT, J

Dt: 19.02.2018
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