

THE HON'BLE MS. JUSTICE J. UMA DEVI

CRP NO. 7545 OF 2017

ORDER:

Against the order passed by the Prl. Senior Civil Judge at Mancherial allowing IA No. 682 of 2015 filed by the 1st respondent herein for condonation of delay of 1242 days in filing of the appeal, the present revision is filed.

The contentions raised by the revision petitioner challenging the order passed by the Prl. Senior Civil Judge, at Mancherial are briefly stated as under,

(1) The impugned order passed by the learned Prl. Senior Civil Judge at Mancherial condoning the delay of 1242 days in filing of the appeal against the judgment and decree in O.S.No. 42 of 2008 is suffering from material irregularity for the reason that the doctor who issued the medical certificate regarding the alleged ill-health of the mother of the 1st respondent has not been examined; (2) No medical bills or prescriptions are filed by the 1st respondent for establishing the alleged ill-health of her mother; and (3) 1st respondent attended for her duties regularly as a cook in a boys' hostel. If her mother was not well and nobody was there to take care of her mother, how she attended for her duties regularly. She could have entrusted the duty of attending on her ailing mother to anyone of her sons for a day so as to enable her to meet her counsel to give instructions to him to file the appeal. Though several contentions were raised by the revision petitioners in their counter, the

same were not dealt, and that the application filed for condonation of delay was allowed on the ground that the 1st respondent is a lady, and she is from rural background etc.

I have gone through the order impugned in the present revision petition. It is understood from the contents of the affidavit filed by the 1st respondent mentioning the reasons for the delay that was caused in filing of the appeal against the judgment and decree in O.S.No. 42 of 2008 is that she is the only daughter of her mother. It is true that the 1st respondent is working as a cook in a boys' hostel and she attended for her duties. The 1st respondent being the only daughter of her mother, she owes the responsibility of taking care of her ailing mother. In proof of the health condition of her mother, she has filed the medical certificate and in the said medical certificate the need of attending of a female attendant on her ailing mother is stated. Under the above mentioned circumstances, appeal is not filed by the 1st respondent within the time stipulated.

Coming to the contention that the 1st respondent regularly attended for her duties in a boys' hostel, it is not in dispute that the 1st respondent is a cook in a boys' hostel and nature of work allotted to her in the hostel needs her regular attendance in the hostel. It is not the case of the petitioner that another cook is available in the hostel who can attend to the work of cooking in the place of the 1st respondent as and when leave is applied by her. It is too much to expect from the parties to adduce

evidence in proof of each and every plea raised by them. The ground of ill-health of the mother of the 1st respondent is not disputed by the petitioner. The reasoning given by the 1st respondent for not filing of the appeal in time is explained satisfactorily. The Court below, having noticed that the delay that occurred in not filing of the appeal within the time, is properly explained, has allowed the application filed by the 1st respondent. I have not noticed any error in the order impugned in the present revision petition. The order under challenge, in my view, is not suffering from patent irregularity necessitating indulgence of this Court.

The Civil Revision Petition is dismissed accordingly. Miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

Dt. 2.5.2018
KR



JUSTICE J. UMA DEVI