

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CIVIL REVISION PETITION No.560 of 2019

ORDER :

This Revision is filed challenging the order dt.14-09-2018 in I.A.No.274 of 2017 in O.S.No.117 of 2013 of the Senior Civil Judge at Bhongir.

2. Petitioners are the Legal Representatives of the deceased 1st plaintiff, who died on 04-06-2016.

3. On 29-04-2017, they filed I.A.No.274 of 2017 to condone the delay of 180 days in filing the L.R. petition.

4. In the affidavit filed in support of the said application, it is contended that 3rd petitioner was suffering from jaundice and could not contact his counsel to proceed with the case; that after taking treatment, he recovered and then approached his counsel to proceed with the matter.

5. No counter was filed opposing this application.

6. The Court below by order dt.14-09-2018 dismissed I.A.No.274 of 2017 stating that no medical certificate or medical record is filed in support of the illness of the 3rd petitioner.

7. Challenging the same, this Revision is filed.

8. Though learned counsel for petitioners contended that the delay in filing L.R. petition ought to be condoned in view of the fact that 3rd petitioner was suffering from jaundice, it is not in dispute that 4th petitioner is an Advocate and 6th petitioner is also in Government service. Even if the 3rd petitioner had in fact suffered from jaundice, nothing prevented the other petitioners from contacting the Advocate and getting the L.R. petition filed within the time prescribed by law.

9. In my opinion, the petitioners have been negligent in pursuing their remedies. Therefore, the Court below cannot be held to have committed any error of jurisdiction in refusing to condone the delay of 180 days in filing the application to bring on record the L.Rs. of the deceased 1st petitioner.

10. Accordingly, the Civil Revision Petition fails and it is dismissed at the admission stage. No costs.

11. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 04-06-2019

Vsv