

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER
CIVIL REVISION PETITION Nos.1006 AND 1008 OF 2019

COMMON ORDER:

Since the subject matter in these civil revision petitions is one and the same, they are being heard and disposed of together.

2. These Civil Revision Petitions, under Article 227 of the Constitution of India, are filed by the petitioner/plaintiff, aggrieved by the orders dated 05.03.2019 passed in I.A.Nos.701 and 702 of 2018 in O.S.No.51 of 2014 by the learned Principal Senior Civil Judge, Karimnagar, wherein the Court below allowed I.A.Nos.701 and 702 of 2018 filed by respondent Nos.1 and 2/defendant Nos.6 and 7 for condoning the delay of 814 days in filing an application for setting aside the *ex parte* decree dated 31.08.2016 and for setting aside the *ex parte* decree dated 31.08.2016 respectively.

3. Heard learned counsel for the revision petitioner/plaintiff, learned counsel for respondent Nos.1 and 2/defendant Nos.6 and 7 in both the revision petitions and perused the record.

4. Learned counsel for the revision petitioner/plaintiff would contend that there is service of summons on respondent Nos.1 and 2/defendant Nos.6 and 7. Without there being sufficient cause, the Court below condoned the huge delay of 814 days and set aside the *ex parte* decree dated 31.08.2016 passed against respondent Nos.1 and 2/defendant Nos.6 and 7.

No reasons are mentioned in the impugned orders and ultimately prayed to set aside the impugned orders and allow the civil revision petitions as prayed for.

5. Learned counsel for respondent Nos.1 and 2/defendant Nos.6 and 7 would contend that there is no service of summons on respondent Nos.1 and 2/defendant Nos.6 and 7. At that time, they were in abroad. A false service was effected and ultimately prayed to sustain the impugned orders.

6. The subject suit is for partition and separate possession. Respondent Nos.1 and 2 have denied the service of summons on them as they were in Saudi Arabia at that point of time. They have also complained the same to the High Court. These aspects were elaborately dealt with by the Court below in the impugned orders. Therefore, the submissions made on behalf of respondent Nos.1 and 2/defendant Nos.6 and 7 to allow the impugned I.As. are required to be accepted. There is no perversity in the impugned orders. These Civil Revision Petitions are devoid of merits and are liable to be dismissed.

7. In the result, the Civil Revision Petitions are dismissed.

The Miscellaneous Petitions, if any, pending shall stand closed. No costs.

Dr. SHAMEEM AKTHER, J

Date: 20.12.2019
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