

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

CIVIL REVISION PETITION No.1579 OF 2019

ORDER:

This civil revision petition is filed, under Article 227 of the Constitution of India, by the petitioners/appellants, aggrieved by the order, dated 13.02.2019, passed in I.A.No.6128 of 2018 in A.S.S.R.No.30098 of 2018, by the learned Chief Judge, City Civil Court, Hyderabad.

2. Heard Sri Mirza Safiulla Baig, learned counsel appearing for the petitioners, and Sri Sunil B.Ganu, learned counsel appearing for the respondent. Perused the material record.

3. The petitioners/appellants filed the I.A.No.6128 of 2018 in A.S.S.R.No.30098 of 2018 under Section 41 Rule 3 (A) CPC read with Section 5 of the Limitation Act, on the file of the learned Chief Judge, City Civil Court, Hyderabad, praying to condone the delay of 230 days in filing the appeal, wherein the learned Chief Judge, City Civil Court, Hyderabad, dismissed the said I.A. on the ground that the delay is abnormal and the reasons stated by the 1st petitioner/1st appellant is not supported by any medical record. Aggrieved by the said order, the present civil revision petition is filed.

4. Having regard to the facts and circumstances of the case, this Court is of the opinion that since the matter revolves around the family in settling the shares in their property, by virtue of any technical objections, depriving somebody's share is

unjust and the issue has to be looked in a magnanimous way in the interest of family members. Hence, the delay has to be condoned and the impugned order is liable to be set aside.

5. Accordingly, the Civil Revision Petition is allowed setting aside the order, dated 13.02.2019 in I.A.No.6128 of 2018 in A.S.S.R.No.30098 of 2018 passed by the learned Chief Judge, City Civil Court, Hyderabad, and the trial Court is directed to proceed with the matter by giving opportunity to both sides. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

T.AMARNATH GOUD, J

Date: 24th October, 2019

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