

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.1423 OF 2019

ORDER:

This revision, under Article 227 of the Constitution of India, is filed by the petitioner/defendant aggrieved by the order dated 01.05.2019 passed in I.A.No.500 of 2018 in O.S.No.91 of 2017 by the Senior Civil Judge, at Jangaon, Warangal District, whereby, the application filed by the revision petitioner/defendant requesting to condone the delay of 17 days in filing the application under Order IX Rule 13 of CPC to set aside the *ex parte* decree, dated 26.10.2018, was dismissed with costs.

2. Heard learned counsel for the revision petitioner, learned counsel for the respondents and perused the record.

3. The revision petitioner/defendant had specifically stated in the affidavit filed in support of the subject Interlocutory Application that he is an illiterate and old aged person and he could not engage any Advocate. He had personally approached the Court to know the dates of hearing and in that process, he could not properly pursue the original suit, which resulted in passing of *ex parte* decree.

4. In view of the above averments of the revision petitioner, the Court below ought not have insisted for better cause for condoning the delay. Under these circumstances, the impugned order is liable to be set aside.

5. Accordingly, the impugned order, dated 01.05.2019, passed in I.A.No.500 of 2018 in O.S.No.91 of 2017 by the Senior Civil Judge, at Jangaon, Warangal District, is set aside. Consequently, I.A.No.500 of 2018 stands allowed as prayed for.

6. The Civil Revision Petition, is accordingly, allowed.

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

Date: 28.11.2019
ssp

Dr. SHAMEEM AKTHER, J

