

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.2863 OF 2018

ORDER:

This revision, under Article 227 of the Constitution of India, is filed by the petitioner aggrieved by the order dated 08.02.2018 passed in I.A.No.121 of 2017 in O.S.No.54 of 2008 by the learned Junior Civil Judge at Zaheerabad, whereby, the application filed by the revision petitioner/defendant No.1, under Order IX Rule 7 read with Section 151 of CPC, to set aside the *ex parte* order dated 14.07.2008 passed against him, was dismissed.

2. Heard learned counsel for both sides and perused the record.

3. Learned counsel for the revision petitioner would contend that there is an agreement of sale between the revision petitioner/defendant No.1 and defendant No.8. It is further contended that defendant No.8 cheated the revision petitioner by obtaining hand loan. The Court below ought not have dismissed the subject Interlocutory Application on the ground that agreement of sale dated 19.06.2002 is a time barred document and ultimately prayed to allow the civil revision petition by setting aside the impugned order.

4. The material placed on record reveals that no cause has been shown to set aside the *ex parte* order dated 14.07.2008 and some vague allegations are made stating that defendant No.8 cheated the revision petitioner and there is an agreement

of sale dated 19.06.2002 between him and defendant No.8. The subject suit is filed for partition. There is huge delay of more than a decade on the part of the revision petitioner in filing the subject application to set aside the *ex parte* order dated 14.07.2008. In the given circumstances, the Court below is justified in passing the impugned order. The revision petition is devoid of merit and is liable to be dismissed.

5. In the result, the Civil Revision Petition is dismissed.

The Miscellaneous Petitions, if any, pending shall stand closed. There shall be no order as to costs.

Date: 06.12.2019
ssp

Dr. SHAMEEM AKTHER, J

