

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Civil Revision Petition No.2329 of 2019

ORDER:

This Civil Revision Petition, under Section 115 of the Code of Civil Procedure, 1908, is filed by the petitioner/defendant No.1, challenging the order, dated 01.08.2019, passed in I.A.No.419 of 2019 in A.S.S.R.No.2370 of 2019, by the XV Additional District Judge-cum-XV Metropolitan Sessions Judge-cum-II Additional Family Judge, Kukatpally, Ranga Reddy District, whereby, the petition filed by the petitioner/defendant No.1 under Order XLI (3) of CPC seeking to condone the delay of 85 days in filing the appeal, was dismissed.

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

3. It is pertinent to state that in the subject unregistered Appeal Suit filed before the Court below, substantial questions are required to be determined. It is always better to decide a *lis* between the parties on merits, rather than on technicalities. As seen from the affidavit filed in support of the subject interlocutory application, the petitioner/defendant No.1 had shown sufficient cause for the delay caused in preferring the appeal before the Court below. In the given circumstances, the Court below ought to have allowed the subject interlocutory application.

4. Accordingly, this Civil Revision Petition is allowed by setting aside the order, dated 01.08.2019, passed in I.A.No.419 of 2019 in A.S.S.R.No.2370 of 2019, by the XV Additional District Judge-cum-XV Metropolitan Sessions Judge-cum-II Additional Family Judge, Kukatpally, Ranga Reddy District. Consequently, I.A.No.419 of 2019 stands allowed by condoning the delay of 85 days in filing the appeal before the Court below.

Miscellaneous petitions, if any, pending in this CRP, shall stand closed. There shall be no order as to costs.

19th December, 2019
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Dr. SHAMEEM AKTHER, J

