

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

CIVIL REVISION PETITION NO.5464 OF 2018

ORDER:

This Revision is filed assailing the order, dt.13.06.2018 in I.A.No.45 of 2017 in O.S.No.17 of 2014 on the file of the IX Additional District Judge, Wanaparthy, in refusing to condone the delay of 246 days in filing the application under Order IX Rule 9 CPC, to restore the suit, which was dismissed for default on 31.03.2016 on the ground of non deposit of process.

2. It is the contention of the petitioner that his mother suffered from asthma and so, he could not approach his counsel to deposit process, because of which, the suit was dismissed for default on 31.03.2016.

3. The Court below rejected the said contention on the ground that no document showing the illness of his mother has been filed and that the petitioner did not exhibit any diligence in the matter.

4. Assailing the same, this Revision is filed.

5. Before this Court, medical certificate, dt.03.01.2017 has been filed by the petitioner stating that his mother was suffering from asthma. The said certificate indicates that the mother of the petitioner require frequent hospital admissions on account of the same.

6. The fact remains that the petitioner is not incapacitated for the entire 246 days of delay on account of his mother's illness of asthma. The petitioner appears to be negligent in taking steps to pursue the matter and the reason assigned by the petitioner cannot be accepted as

sufficient cause for condonation of delay of 246 days in filing the application under Order IX Rule 9 CPC. Therefore, I do not find any merit in the Revision and is liable to be dismissed.

7. Accordingly, the Civil Revision Petition is dismissed. No order as to costs. Miscellaneous petitions, if any pending in this Revision shall stand closed.

M.S.RAMACHANDRA RAO, J

DATED: 08-08-2019

Hsd

