

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Civil Revision Petition No.288 of 2016

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the petitioners/decreed holders, challenging the order, dated 24.08.2015, passed in S.R.No.1375 of 2015 in an unregistered Appeal Suit, by the Principal District Judge at Nalgonda, whereby, the Court below returned the unregistered Appeal Suit to the respondents/judgment debtors for filing an application under Section 5 of the Limitation Act, 1963.

2. Heard the learned counsel for the petitioners/decreed holders and perused the record.

3. The learned counsel for the petitioners/decreed holders would submit that the Court below, without proper application of mind, returned the unregistered Appeal Suit by order, dated 24.08.2015, for filing a petition under Section 5 of the Limitation Act, 1963, which is erroneous. The appeal was filed before the Court below within the time prescribed and ultimately prayed to set aside the order under challenge and allow the Civil Revision Petition as prayed for.

4. Admittedly, the unregistered Appeal Suit was not accompanied with a petition under Section 5 of Limitation Act, 1963 for condonation of delay in filing the appeal. The order sought to be challenged before the Court below was passed on

04.07.2013 and the unregistered appeal was preferred before the Court below on 20.04.2015. The Court below, having discussed the merits of the case, was pleased to pass the impugned order directing to return the unregistered Appeal Suit for filing an application under Section 5 of the Limitation Act, 1963. There is nothing to take a different view. The Civil Revision Petition is devoid of merit and is liable to be dismissed.

5. Accordingly, the Civil Revision Petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Civil Revision Petition, shall stand closed.

22nd November, 2019
Bvv

Dr. SHAMEEM AKTHER, J

