

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.3936 OF 2013

ORDER:

This revision, under Article 227 of the Constitution of India, is filed by the petitioner aggrieved by the order dated 01.04.2013 passed in I.A.No.1594 of 2010 in O.S.No.223 of 2009 by the Principal Junior Civil Judge at Karimnagar, wherein the Court below allowed the application filed by the defendant to condone the delay of 137 days in filing the petition to set aside the *ex parte* decree.

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

3. Learned counsel for the revision petitioner would submit that *ex parte* decree was set aside without there being any justifiable cause being shown by the respondent/defendant and ultimately prayed to allow the Civil Revision Petition by setting aside the impugned order dated 01.04.2013.

4. On the other hand, learned counsel for the respondent/plaintiff would submit that sufficient cause has been shown to condone the delay of 137 days in filing the aforesaid petition and therefore, the Court below condoned the said delay. Learned counsel supported the impugned order and ultimately prayed to dismiss the revision petition.

5. In the impugned order, the Court below had elaborately discussed the contentions raised by both sides and answered the same in favour of the respondent. Sufficient cause has been shown by the respondent to condone the delay of 137 days. The Court below had rightly exercised its jurisdiction vested in it. There is no infirmity or

perversity in the impugned order. The revision petition is devoid of merit and is liable to be dismissed.

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

The Miscellaneous Petitions, if any, pending shall stand closed.

No costs.

Dr. SHAMEEM AKTHER, J

Date: 01.11.2019
ssp

