

THE HON'BLE Dr.JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.7221 OF 2017

ORDER:

This revision, under Section 115 of Code of Civil Procedure, is filed by the petitioner/plaintiff, aggrieved by the order, dated 10.11.2017 passed in I.A.No.319 of 2017 in O.S.No.368 of 2012 by the learned Senior Civil Judge, Warangal wherein the subject application filed by the petitioner under Section 5 of the Limitation Act, seeking to condone the delay of 72 days in filing the petition under Order XXII Rule 3 of CPC, was dismissed.

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

3) Learned counsel for the petitioner submits that the petitioner has shown sufficient cause to condone the delay of 72 days in filing the petition under Order XXII Rule 3 of CPC, but, the Court below erroneously dismissed the subject application holding that the petitioner has not exercised any diligence on time as stipulated by law and except making a bald statement that the delay was only accidental, the petitioner did not offer any explanation.

4) As seen from the record, the original plaintiff-Gouru Lachamma in O.S.No.368 of 2012 died after filing her chief examination in the suit. The revision petitioner by name Cholleti Rajamma, being sole legal representative of the deceased plaintiff, filed I.A.No.319 of 2017 seeking to condone delay of 72 days in filing the petition under Order XXII Rule 3 of CPC, to bring her on record as sole legal representative of her deceased mother/plaintiff

in the aforesaid suit. In filing the said petition, there occurred delay of 72 days. The Court below need not go into technicalities for condoning the delay. Under these circumstances and in the interest of justice, this Court inclines to grant relief to the petitioner as sought for.

5. Accordingly, this Civil Revision Petition is allowed by setting aside the order dt.10.11.2017 passed in I.A.No.319 of 2017 in O.S.No.368 of 2012 by the learned Principal Senior Civil Judge, Warangal. Consequently, I.A.No.319 of 2017 is allowed as prayed for. No order as to costs.

Pending Miscellaneous Petitions, if any, shall stand closed.

Date: 13.11.2019
vvr

Dr. SHAMEEM AKTHER, J

