

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY
I.A.No.1 of 2020
And
CIVIL REVISION PETITION No.133 of 2020

COMMON ORDER :

This revision is filed against the order dated 23-07-2019 passed in I.A.No.31 of 2016 in O.S.No.1253 of 2013, on the file of V Additional District and Sessions Judge, Ranga Reddy District at L.B.Nagar, Hyderabad, along with application for condoning the delay of 77 days in filing the revision.

The impugned order in the revision passed in the application filed by the petitioner under Section 5 of the Limitation Act (for short "the Act") to condone the delay of 311 days in filing the petition to set aside the exparte decree dated 30-01-2015.

Learned counsel for the petitioner submits that application under Section 5 of the Act should be liberally interpreted and the Court should be liberal in condoning the delay in filing the said application as important property rights of the petitioner involved in the suit. Though delay is explained, the Court below has not properly considered the said aspect and passed the impugned order. She also submits that delay was on account of information given by the counsel that case will be transferred to XVI Additional District and Sessions Judge, Ranga Reddy District and that he will give information of transfer of the matter. Apart from

that, she also tried to argue the case on merits, but the issue in the C.R.P. is only about condonation of delay in filing the petition to set aside the exparte decree.

In this case, it is to be seen that there was enormous delay of 311 days in filing the application to set aside the exparte decree. In the affidavit filed in support of the application in the Court below, it is clearly mentioned that the petitioner was set exparte on 11-06-2014 and exparte decree is passed on 30-01-2015. After 11-06-2014 also, the petitioner has not filed any application for setting aside the exparte order and he kept quiet till the exparte decree is passed on 30-01-2015 and thereafter, the petitioner filed petition with delay of 311 days. In the affidavit, the petitioner has mentioned about the merits of the case, but there is no explanation regarding the delay of 311 days in filing the said application and even the present revision also filed with delay of 77 days. The reason given for the delay is, the counsel before the Court below has not informed immediately about the status of the petition, which goes to show that the petitioner is not only diligent in prosecuting the case before the Court below but also not diligent in filing the present revision after the impugned order is passed. In the counter affidavit, it is stated that already Execution Petition is also filed, which goes to show that the petitioner is not at all diligent in prosecuting the case and the Court below also found the same and rightly dismissed the application.

In view of the same, I do not see any reason to entertain the revision and also the petition filed for condoning the delay in revision.

Accordingly, the revision and I.A. are dismissed. No costs. As a sequel, miscellaneous applications pending, if any, shall stand closed.

A. RAJASHEKER REDDY, J

24-01-2020
Nvl



HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

ARBITRATION APPLICATION No.84 of 2019



02-01-2020
Nvl