

THE HON'BLE SRI JUSTICE T.VINOD KUMAR

C.R.P.No.334 of 2020

ORDER:

This Civil Revision Petition is filed aggrieved by the order of the learned Junior Civil Judge at Yellareddy, dated 30.12.2019, passed in I.A.No.69/2019 in O.S.No.41 of 2017, whereby the trial Court allowed the said I.A condoning the delay of 275 days and set aside the *ex parte* decree dated 07.08.2018 passed against defendants 1 and 2 in O.S.No.41 of 2017.

2. Heard the learned counsel for the petitioner.

3. It is vehemently contended by the learned counsel for the petitioner that the order of the trial Court does not assign valid reasons in allowing I.A and setting aside the *ex parte* decree and restoring the suit to file. It is also contended by the learned counsel for the petitioner that the trial Court erred in condoning the delay of 275 days in filing the I.A for setting aside the *ex parte* decree only on the ground that defendant No.2 became ill and defendant No.1 was looking after defendant No.2 and due to the said reason they did not take any steps to prosecute the suit or to file the restoration petition in time.

4. It is to be seen that the trial Court after taking into consideration the facts of the case and also the age of the defendants in the suit had come to the conclusion that the ends of justice would be met if the petition is condoned and the suit is restored to file. Further, the trial Court, while allowing the said I.A, took note of the decision of this Court in *Goddati Laxmi and others v. Dasari Chinna Appa Rao and*

*Others*¹ wherein the revision was allowed condoning the delay of 552 days in filing the application on condition of the plaintiffs paying a sum of Rs.5000/- to the plaintiffs therein towards cost. Power to condone the delay in approaching the Court has been conferred upon the courts to enable them to do substantial justice to parties by disposing of matters on merits.

5. Having regard to the reasons assigned by the Court below, this Court is of the view that the order passed in I.A.No.69 of 2019 in O.S.No.41 of 2017, on the file of Junior Civil Judge at Yellareddy, does not suffer from any illegality nor any interference by this Court is warranted.

6. The Civil Revision Petition is devoid of merit and is accordingly dismissed. However, having regard to the submission made by the learned counsel for the petitioner that the suit is of the year 2017, the trial Court may expedite the matter by directing the defendants to file written statements, if not already filed. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE T.VINOD KUMAR

Date:12.02.2020
grk

¹ 2019 (6) ALT 389 (S.B)