

THE HON'BLE SRI JUSTICE T. VINOD KUMAR

CIVIL REVISION PETITION No.2021 of 2022

ORDER:

This Revision Petition is filed assailing of the order dt.17-03-2022 in I.A.No.4 of 2020 in E.O.P.No.9 of 2019 of the Principal Junior Civil Judge at Madhira.

2. The petitioner herein is 1st respondent in E.O.P.No.9 of 2019. The said E.O.P. is filed by 2nd respondent herein challenging the election of petitioner herein as 'Sarpanch' of Gollagudem Gram Panchayat, Thallada Mandal, Khammam District. The 1st respondent herein is the 2nd respondent in E.O.P.No.9 of 2019 and was set *ex parte* on 26-04-2019.

3. The 1st respondent herein filed I.A.No.4 of 2018 in E.O.P.No.9 of 2019 under Order 9 Rule 7 r/w 151 C.P.C. to set aside the *ex parte* order dt.26-04-2019 passed against him.

4. The Court below, by order dt.17-03-2022 allowed the said I.A. and set aside the *ex parte* order dt.26-04-2019.

5. Learned counsel for the petitioner vehemently contends that the Court below did not take into consideration the grounds taken by the

petitioner herein opposing the said petition filed by the 1st respondent herein.

6. Learned counsel for petitioner further contended that the 1st respondent herein, except stating that he is aged about 60 years and illiterate person apart from suffering from old age pains and also suffering with Hyper Tension, Rheumatic pains, heart ailment etc., did not give any sufficient reason for condoning the delay of 20 and odd months for filing the said application.

7. Learned counsel for petitioner would further submit that though 1st respondent, found himself to be fit, hale and healthy for contesting elections, had taken a plea of ill-health and age old ailments for inviting sympathies of the Court in considering the said application and there are no valid and genuine reasons for 1st respondent seeking condonation of delay.

8. Learned counsel appearing for 1st respondent submits that 1st respondent, being an illiterate person, though had received summons in the matter before the Court below, could not engage a counsel to defend the matter and it is only thereafter he felt that he should seek permission of the Court to contest the matter by seeking for setting aside the order, through which he was set *ex parte*, and accordingly

approached the Court by engaging a counsel and filed the petition. He would further submit it is settled proposition of law that each day of delay need not be explained.

9. I have taken note of respective submissions.

10. By the present order impugned, the Court below had only set aside the *ex parte* order dt.26-04-2019. The result of passing such order is that the 1st respondent herein is brought on record in E.O.P.No.9 of 2019 as 2nd respondent. Merely by bringing the 2nd respondent on record, no serious prejudice would be caused and on the other hand, the matter can be adjudicated on merits by the Court below.

11. In view of the same, I see no merit in the Revision and it is accordingly dismissed at the admission stage. No costs.

12. As a sequel, miscellaneous petitions, if any pending, shall stand closed.

Date : 22-09-2022.
Vsv

T. VINOD KUMAR, J