

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**SATURDAY, THE TWENTY NINTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SRI JUSTICE T.VINOD KUMAR

CIVIL REVISION PETITION NO: 2367 OF 2022

Petition under Article 227 of the Constitution of India aggrieved by the order dated 13.09.2022 in I.A.No.01 of 2021 in A.S.S.R.No.1434 of 2021 on the file of the Court of the Principal District Judge at Khammam.

Between:

Chinthala Kotaiah, S/o. Venkaiah, aged about 65 years, Occ. Agriculture, R/o. Pandithapuram Village, Kamepally Mandal, Khammam District.

...PETITIONER/RESPONDENT

AND

Chinthapalli Muthamma, W/o. Bhadracharya, aged about 68 years, Occ. household, R/o. Ballepalli village, Khammam Urban Mandal, Khammam District.

...RESPONDENT/APPELLANT

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased Stay all further proceedings in A.S.S.R.No.1434 of 2021 on the file of Learned Principal District Judge at Khammam, pending disposal of the main case.

Counsel for the Petitioner: SRI KOWTURU PAVAN KUMAR

Counsel for the Respondent: —

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE T. VINOD KUMAR .

Civil Revision Petition No.2367 of 2022

ORDER:

This Civil Revision Petition is filed impugning the order dt.13.09.2022 passed in I.A.No.1 of 2021 in A.S.S.R.No.1434 of 2021 on the file of the Principal District Judge, Khammam, whereby the Court below has allowed the interlocutory application filed under Order XLI Rule 3-A of the Code of Civil Procedure, 1908, read with Section 5 of the Limitation Act, 1963, seeking to condone the delay of 1273 days in preferring the appeal against the judgment and decree dt.05.09.2017 passed in O.S.No.68 of 2014 by the learned Junior Civil Judge, Khammam.

2. The petitioner herein is the respondent in the appeal and plaintiff in the suit.
 3. Heard learned counsel for the petitioner and perused the record.
 4. Learned counsel for the petitioner submits that the Court below erred in condoning the delay, without taking note of the fact that the respondent herein had approached the Court with unclean hands and that the delay has not been properly explained.
 5. The Court below had allowed the said application, however, by following the decision of the Hon'ble Supreme Court in **LAO,**
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Ananthanag v. Katiji¹, wherein the Hon'ble Supreme Court had observed that pragmatic approach should be adopted and not pedantic approach in deciding such petitions.

6. The said approach adopted by the Court below in the view of this Court does not suffer from any error for the petitioner to feel aggrieved by the same for filing the present revision petition.

7. Further, a perusal of the affidavit filed in support of the petition indicates that the petitioner therein has explained the delay in preferring appeal with sufficient reasons, which appealed to the Court below to exercise its discretionary power and this Court would be loath to interfere with such order in exercise of supervisory jurisdiction under Article 227 of the Constitution.

8. Further, it is also settled position of law that the term 'sufficient cause' under Section 5 of the Limitation Act must be liberally construed so as to advance substantial justice as held by the Hon'ble Supreme Court in the case of **Special Tehsildar, Land Acquisition, Kerala v. K.V. Ayisumma**².

9. In view of the above, the Civil Revision Petition is devoid of any merit and it is accordingly dismissed. No order as to costs.

¹ AIR 1987 SC 1353

² (1996) 10 SCC 634

10. Consequently, miscellaneous petitions pending, if any, shall stand closed.

//TRUE COPY//

SD/-K.AMMAJI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal District Judge, Khammam, T.S.
 2. One CC to Sri Kowturu Pavan Kumar, Advocate [OPUC]
 3. Two CD Copies
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HIGH COURT

DATED: 29/10/2022



ORDER

CRP.No.2367 of 2022

DISMISSING THE CIVIL REVISION PETITION AS DEVOID
WITHOUT COSTS

5 Copies
30/12/2022