IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

FRIDAY, THE THIRTEENTH DAY OF DECEMBER TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HON'BLE SMT JUSTICE K. SUJANA

I.A.No.1 of 2024
IN/AND
CIVIL REVISION PETITION No: 70 of 2024

Petition filed under Article Section 115 of C.P.C aggrieved by the Order dated 23-11-2022 in I.A.No.1135 of 2021 in MVOP.No.741 of 2015 on the file of the Court of the I Additional Chief Judge, City Civil Court at Secunderabad.

Between:

1. Gunti Anasuya, W/o. Chinna Sathaiah, Age: 50 years, Occ: Housewife, R/o.H.No.5-11/122, Boiguda, Secunderabad.
2. G.Chinna Sathaiah, S/o.Narsaiah, Age: 54 years, Occ: Labour, R/o.H.No.5-11/122, Boiguda, Secunderabad.

...Petitioners/Petitioners

AND

1. Konaboina Muthyalu, S/o.Ramulu, Age: 39 years, Occ: Rider of Motor Cycle Br.No.TS-07-EB-829, R/o.H.No.2-103/A, Dabilpur Village, Medchal Mandal, Ranga Reddy District-501401.
2. Sri Venkatesh Gorakshini Trust, Rep. by Mitun roy, Occ: Owner of Motor Cycle Br.No.TS-07-EB-829, R/o.H.No.2-103/A, Dabilpur Village, Medchal Mandal, Ranga Reddy District-501401.
3. ICICI Lombard General Insurance Co. Ltd, Rep.by its Regional Manager, O/o.6-3-352/1, Osman Plaza, 3rd Floor, Panjagutta, Hyderabad.

...Respondents/Respondents

IA NO: 1 OF 2024

Petition under Section 5 of the Limitation Act praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to condone the delay of 205 days in presenting the above CRP aggrieved by the order dated 23-11-2022 passed in I.A.No.1135 of 2021 in MVOP.No.741 of 2015 on the file of the court of the I Additional Chief Judge, City Civil Courts at Secunderabad.

Counsel for the Petitioners: Sri Krishna Kishore Kovvuri

Counsel for the Respondents No.1 & 2: Sri E. Srinath Reddy

Counsel for the Respondent No.3: Sri K. Ajay Kumar

The Court made the following: ORDER

THE HONOURABLE SMT JUSTICE K. SUJANA

I.A.No.1 OF 2024
IN/AND
CIVIL REVISION PETITION No.70 of 2024

ORAL ORDER:

The present Civil Revision Petition is filed challenging the order dated 23.11.2022 passed in I.A.No.1135 of 2021 in M.V.O.P.No.741 of 2015 by the I Additional Chief Judge, City Civil Court, at Secunderabad.

2. The brief facts of the case are that the petitioners herein filed IA.No.1135 of 2021 in MVOP.No.741 of 2015 under Section 5 of the Limitation Act, seeking condonation of delay of 1243 days in filing the petition under Section Order IX Rule 9 of Civil Procedure Code (for short 'CPC'). In the said IA., it was averred by petitioners that their son died in a road accident and they filed petition for compensation and that when the said petition was posted for trial on 11.08.2017 they were unable to produce the employment and salary details of their son and were not able to adduce evidence, due to which the said petition was dismissed for default. The trial Court

dismissed IA.No.1135 of 2021 in MVOP.No.741 of 2015 *vide* order dated 23.11.2022. Hence, this revision petition.

3. Heard Sri Krishna Kishore Kovvuri, learned counsel for petitioners, Sri E.Srinath Reddy, learned counsel for respondent Nos.1 to 2, and Sri K.Ajay Kumar, learned counsel for respondent NO.3 - Company.

4. Learned counsel for the petitioners submitted that the petitioners are parents of the deceased who are claiming compensation through beneficial legislation, but they were not able to furnish salary details of their son and approach the company on time, due to which their petition was dismissed for default. He asserted that the petitioners admit that delay was caused in filing petition before the Court below and filing revision before this Court as well, for which they are willing to forgo the interest of the said delay period. Therefore, while advocating that the petitioners be given fair opportunity to utilize the compensation for their maintenance, prayed this Court to set aside the impugned order, and allow this Civil Revision Petition.

5. On the other hand, learned counsel for the respondents opposed the submissions made by learned counsel for petitioners and contended that though the petitioners are seeking relief of beneficial legislation, they are not entitled for the same as they were not diligent throughout the proceedings before the Court below and that the revision petition before this Court is also hit by delay of 205 days, hence, prayed this Court to dismiss the revision petition.

6. Having regard to the rival submissions made and on going through the material placed on record, it is noted that the petitioners herein are parents of the deceased who failed to take steps within the stipulated time i.e., delay of 1243 days, due to which their petition was dismissed for default. Further, the petitioners also filed IA.No.1 of 2024 in this revision petition to condone delay of 205 days. Having regard to the fact that the petitioners are willing to forgo the interest for the period of delay caused in total, i.e., 1243 days plus 205 days, this Court is of the opinion that the petitioners are entitled to avail the compensation of the beneficial legislation.

7. Accordingly, IA.No.1 of 2024 in/and CRP.No.70 of 2024 are disposed of, subject to petitioners forgoing interest of the beneficial legislation, for the period of delay caused in preferring petition before the Court below and for the period of delay caused in preferring this revision petition. Consequently, the order dated 23.11.2022 passed in I.A.No.1135 of 2021 in M.V.O.P.No.741 of 2015 is set aside. There shall be no order as to the costs.

Miscellaneous applications, if any pending, shall also stand closed.

Sd/- P. PADMANABHA REDDY
ASSISTANT REGISTRAR

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SECTION OFFICER

To,

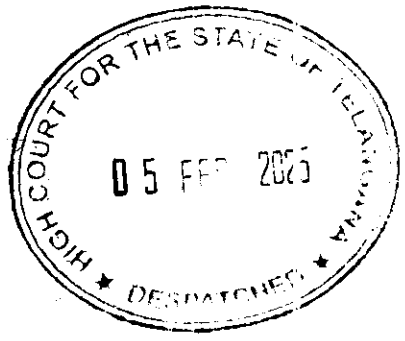
1. The I Additional Chief Judge, City Civil Court at Secunderabad.
2. One CC to Sri Krishna Kishore Kovvuri Advocate [OPUC]
3. One CC to Sri E. Srinath Reddy Advocate [OPUC]
4. One CC to Sri K. Ajay Kumar, Advocate [OPUC]
5. Two CD Copies

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HIGH COURT

DATED:13/12/2024

ORDER
I.A.No.1 of 2024
IN/AND
CRP.No.70 of 2024



I.A.No.1 of 2024
IN/AND
CRP.No.70 of 2024
ARE DISPOSED OF.

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