

KADG010016492022



Presented on : 22-04-2022
Registered on : 22-04-2022
Decided on : 06-04-2023
Duration : --

**IN THE COURT OF
I ADDL DISTRICT AND SESSIONS JUDGE AT
DAVANGERE, DAVANGERE
Presided Over by Sri. J V VIJAYANANDA**

Rent (R) 1/2022

PETITIONER :

1. Sri. Eranna

- V/s -

RESPONDENTS :

1. Sri. Shankarappa

PARTIES TO IA No.I

APPLICANT/PETITIONER :

1. Sri. Eranna

(By Sri. S.M.P. Advocate)

- V/s -

OPPONENTS/S : RESPONDENT/s :

1. Shankarappa

(Opponent -1 : By Sri. J.N.V. Advocate)

ORDER ON IA No.I

The petitioner has filed this application U/S. 5 of Limitation Act and prayed to condone the delay in preferring this revision.

2. In the affidavit filed along with this application, the petitioner has offered reason to the effect that, he could not contact his counsel in time, because of his ill health and hence, he could not file revision petition in time. He has got good case on merits. The delay in filing this petition is 64 days. Certified copy of the order was issued on 14-02-2022. No prejudice would be caused to the respondent, if the delay is condoned.

3. On the other hand, the respondent has not seriously disputed the reason offered for condonation of delay in preferring this revision petition by filing written objection.

4. From the above facts following points that arise for my consideration are :

1. Whether the revision petitioner has made out a ground to condone the

delay in preferring this revision ?

2. What order ?

5. Heard the learned counsels for petitioner and proposed respondents.

6. My findings to the above points are as follows :

Point No.1 : In the Affirmative

Point No.2 : As per final order for the following :

R E A S O N S

7. Point No.1 : At the outset, this revision petition is presented assailing impugned order, passed in HRC No.3/2013 dated 24-01-2022, by the learned Prl. Civil Judge at Davanagere. Along with this revision petition, the revision petitioner has filed this application for condonation of delay of 64 days in preferring this appeal.

8. The revision petitioner has offered reason for delay that, due to ill health, he could not contact his counsel to prefer this revision petition in time. As stated above said reason is not seriously disputed by the respondent. Even the respondent has not disputed the quantum of delay in preferring this revision petition. On perusal of grounds of revision petition, impugned order and contention taken by the respondent, the substantial question of law and fact is to be decided by this court, in this

revision petition. The learned Judge has passed an order, directing the revision petitioner, to vacate the petition schedule property. Under the above facts and circumstances of the case, to meet the ends of justice and in order to avoid multiplicity of proceedings, by imposing some cost, it is just and necessary to condone the delay in preferring this revision petition. Hence, I answered point No.1 in the 'Affirmative'.

9. Point No.2 : In view of my findings on above point, I proceed to pass the following :

: O R D E R :

The IA No.I filed under Section 5 of Limitation Act is allowed, on cost of Rs.250/-.

Consequently, the delay of 64 days in preferring this revision petition is condoned.

(Dictated to the Stenographer, transcribed by her, transcript corrected, signed and then pronounced by me in the open court on this the 6th day of April, 2023).

(J.V.VIJAYANANDA)
I ADDL. DISTRICT & SESSIONS JUDGE,
DAVANAGERE.