

IN THE COURT OF THE SENIOR CIVIL JUDGE & J.M.F.C.,
DEVADURGA

Present:

Sri.Suresh Annappa Savadi., B.A., L.L.B, (Spl).,

Senior Civil Judge & JMFC, Devadurga.

Civil Misc.No.7/2025

DATED : THIS THE 10th DAY OF JUNE 2026

Petitioner :

Sri.Ramanna S/o. Bhemaraya,
Age: 70 years, R/o.B.Ganekal village,
Tq: Devadurga, Dist: Raichur.

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

--V/s--

Respondent : Sri.Venkoba S/o. Bhemaraya,
Age: 68 years, R/o.B.Ganekal village,
Tq: Devadurga, Dist: Raichur.

(R.1 by Sri.M.D.P.Advocate)

ORDER

The petitioner has filed this petition U/o.9 rule 9 R/w.Sec.151 of CPC to set aside the order of dismissal of petition for non prosecution on 12.06.2025.

2. The petitioner contented that the petitioner filed FDP.No.4/2021 as per preliminary decree passed in O.S.No.2/2017. The said FDP was posted on 12.06.2025 for hearing on IA. Due to non-appearance before the court petition was dismissed. As the petitioner gone to Bengaluru for his livelihood he did not present before the court. Hence the non-appearance is not intentional one. Hence prays to allow the

petition. The petitioner also filed application U/Sec.5 of Limitation Act to condone the delay of 90 days.

3. On the other hand the respondent appeared counsel submitted no objection to IA No.1 which is filed condonation of delay and also submitted no objection to the main petition.

4. Heard both sides.

5. The following points arises for my consideration;

1. Whether the petitioner has made out grounds to allow the petition ?
2. What order?

6. My answered to the aforesaid points are as under;

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:** The petitioner filed this petition to set aside the order dated 12.06.2017 in FDP.No.4/2021 along with petition the petitioner filed delay condonation application. The petitioner furnished the certified copy of order sheet in FDP.No.4/2021. The petitioner in the petition contended that he has gone to Bangalore for his livelihood and for that reason he could not present before the court. For that the respondent submitted no objection to main petition as well as to condone the delay. Considering the entire material and also on the submission of the respondent it is necessary to condone the delay and also to set aside the order

dated 12.06.2025. Hence this court answered the point No.1 in the affirmative.

8. **POINT NO.2:** For the reasons stated in the Point No.1, this court proceed to pass the following;

O R D E R

The petitioner filed by the petition U/o.9 Rule 9 of CPC is hereby allowed.

In view of relation between the parties no order has to cost.

Office is directed to restore the FDP.No.4/2021 in its original stage and place the file before open court on 01.07.2026.

Both parties are directed to appear on 01.07.2026 to proceed the case without expecting the notice from this court.

(Dictated to the stenographer directly on the computer, typed by him, corrected by me and then pronounced in the open court on this the 10th day of June 2026)

(Sri.Suresh Annappa Savadi)
Senior Civil Judge & JMFC.,
Devadurga.