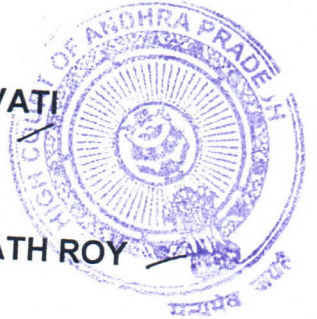


IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
THURSDAY, THE FOURTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY



IA No. 1 OF 2019

IN

CRP NO: 1401 OF 2019

Between:

Sri Tommedella Venkata Ratnam, S/o. Veera Bhadrappa, aged about 69 years,
Swarnavarigudem Village, Jeelugumilli Mandal, West Godavari District.

...Petitioner

AND

Sri Dakavarapu Krishnaji, S/o. Venkata Ramana, aged about 60 years, Vegavaram
Village, Janagareddigudem Mandal, West Godavari District. (the Petitioner being
lost total memory represented by wife Surya Ratna Kumari, W/o. Krishnaji,
aged about 55 years, Vegavaram, Jangareddigudem, West Godavari District.)

...Respondents

Counsel for the Petitioner

:SRI S APPADHARA REDDY

Counsel for the Respondent

:SRI O MANOHER REDDY

Petition under Section 151 of CPC is filed 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 372 days in filing the above CRP in E.A.No.213/2017 in E.P.No.154/2007 in O.S.No.132/1991, dated 27.11.2017 on the file of IN THE COURT OF THE PRINCIPAL SENIOR CIVIL JUDGE at KOVVUR otherwise the petitioner will suffer irreparable loss and hardship, Pending disposal of CRP No. 1401 of 2019, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order. (The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER:

This Interlocutory Application is filed to condone the delay of 372 days in filing the Civil Revision Petition challenging the order, dated 27.11.2017, passed in E.A.No. 213 of 2017 in E.P. No.154 of 2007 in O.S. No.132 of 1991 on the file of the learned Principal Senior Civil Judge, Kovvur.

Heard learned counsel for the petitioner and learned counsel of respondent.

The petitioner is the plaintiff in O.S. No.132 of 1991 on the file of the learned Principal Senior Civil Judge, Kovvur. The said Suit was filed for specific performance of contract against the respondent. The Suit was

decreed. The petitioner has filed E.P. No.154 of 2007. Thereafter, he has filed E.A for delivery of the property in question. The said petition was allowed. Challenging the said order, the respondent filed E.A. No.213 of 2017 to set aside the same. The said petition was allowed and the order delivering the property was recalled. It is the said order which is now sought to be assailed in the present revision petition.

There is a delay of 372 days in filing the present revision. The petitioner explained the said delay stating that as the Decree was in their favour that they are under the impression that there is no need to challenge the order recalling the order of delivery of possession and when they subsequently filed an application before the Revenue authorities to mutate their name in the Revenue records in respect of the said property, as the sale deed was registered in his favour that the Revenue authorities refused to effect mutation in the Revenue records on the ground that delivery of the property was not effected and at that time, they have realized that they have to challenge the impugned order by way of filing revision to that effect and as such, there is a delay of 372 days in filing the revision petition.

The respondent filed counter opposing the said petition. It is stated that the reasons assigned are not sufficient to condone the delay and as there is inordinate delay of 372 days, the same cannot be condoned, as the petitioner did not pursue his remedy within the prescribed period of time.

As noticed supra, the explanation offered for delay is that as the petitioner is under the impression that the Decree is in their favour and registered sale deed is also executed in terms of the said Decree that there is no need to challenge the said order passed in E.A. No.213 of 2017 and they only realized the need to challenge the said order when the Revenue authorities refused to effect mutation in the Revenue records on the ground that delivery of the property was not effected. Therefore, in the considered view of this Court, the petitioner has offered reasonable explanation for not preferring revision petition within time and explained the said delay. Therefore, this Court is of the considered view that the delay can be condoned. However, as there is inordinate delay of 372 days, the Court is of the considered view that the same can be condoned by imposing costs.

Resultantly, the Interlocutory Application is allowed condoning the said delay of 372 days in filing the revision on payment of costs of Rs.5,000/- to A.P. High Court Employees Association, Amaravati, by tomorrow i.e., 15.09.2023.

///TRUE COPY//

For

Sd/- S. SRINIVASA PRASAD
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Senior Civil Judge, Kovvur, West Godavari District —
2. Sri Dakavarapu Krishnaji, S/o. Venkata Ramana, Vegavaram Village, —
Janagareddigudem Mandal, West Godavari District. **(the Petitioner being
lost total memory represented by wife Surya Ratna Kumari, W/o.
Krishnaji, Vegavaram, Jangareddigudem, West Godavari District.)(By
RPAD)**
3. One CC to SRI. S APPADHARA REDDY Advocate [OPUC]
4. One CC to SRI. O MANOHER REDDY Advocate [OPUC]
5. The President, A.P. High Court Employees Association, Amaravati —
6. One spare copy

PSR

HIGH COURT

CMR,J

DATED:14/09/2023

NOTE: FOR PAYMENT OF COSTS IN I.A.No.1 OF 2019, LIST THE MATTER ON 15.09.2023.

ORDER

**IA No. 1 OF 2019
IN
CRP NO: 1401 OF 2019**

I.A. IS ALLOWED

