

APHC010083762019



**IN THE HIGH COURT OF ANDHRA  
PRADESH  
AT AMARAVATI  
(Special Original Jurisdiction)**

**[3365]**

TUESDAY ,THE TWENTY SECOND DAY OF APRIL  
TWO THOUSAND AND TWENTY FIVE

**PRESENT**

**THE HONOURABLE JUSTICE DR V R K KRUPA SAGAR**

**CIVIL REVISION PETITION NO: 750/2019**

**Between:**

G. Gunasekhar Reddy

**...PETITIONER**

**AND**

P Rajasekhar and Others

**...RESPONDENT(S)**

**Counsel for the Petitioner:**

1.L J VEERA REDDY

**Counsel for the Respondent(S):**

1.MD SALEEM

**The Court made the following:**

**THE HONOURABLE JUSTICE DR V R K KRUPA SAGAR****CIVIL REVISION PETITION NO: 750/2019****JUDGMENT:**

1. O.S.No.153 of 2015 before learned Principal Junior Civil Judge-cum-Judicial Magistrate of I Class, Puttur was filed for perpetual injunction and the said suit was dismissed for default.
2. The plaintiff filed an application under order IX Rule 9 CPC praying the Court to set aside the dismissed for default order. With certain objections the said petition was returned prescribing time limit for re-presentation.
3. The plaintiff was unable to represent the petition within time and there occurred 237 days delay in representation of it. Seeking condonation of that delay, plaintiff filed I.A.No.1241/2017 and the same was dismissed by the trial Court by an order dated 25.02.2019. Assailing the said order, this revision has been preferred under section 115 CPC.
4. The principle submissions of learned counsel for the revision petitioner is that, the learned trial Court misread the petition and dismissed it. The copy of the petition along with the sworn affidavit of the revision petitioner filed before the Court below is verified and it is seen that the suit was dismissed for

default on 18.10.2016 and the plaintiff filed petition and the said petition was returned on 16.12.2016 by granting 7 days time to explain the cause of delay in representing it within the time. The affidavit narrates about the sickness of the plaintiff. A reading of the impugned order dated 25.02.2019, passed by the learned trial Court discloses that, the learned Judge considered the matter as if the petition was filed with delay and seeking condonation of that the prayer was made.

5. The learned trial court fails to observe the difference between filing the petition beyond the prescribed period of limitation as against representing a filed petition with delay. The representational delay is usually a matter of consideration between the party and the Court and representational delays are normally condoned liberally. The sworn affidavit indicated the sickness and there was no specific reasons for trial court to disbelieve such sworn affidavit. The impugned order is erroneous. There is merit in this revision and accordingly the same is allowed.

6. In the result this revision is allowed. The impugned order dated 25.02.2019 passed by the learned Junior Civil Judge-cum-Judicial Magistrate of I Class, Puttur in I.A.No.1241/2017 in

O.S.No.153 of 2015 is set aside. Consequently I.A.No.1241/2017 is allowed. The trial Court is directed to take up the petition that was filed by the plaintiff under IX Rule 9 CPC within four weeks and dispose of it in accordance with law as expeditiously as possible.

---

**Dr. V R K KRUPA SAGAR, J**

Dated: 22.04.2025  
KKV

**THE HONOURABLE JUSTICE DR V R K KRUPA SAGAR**

**CRP No.750 of 2019**

Dated: 22.04.2025  
KKV