

HON'BLE SRI JUSTICE K.SURESH REDDY

C.R.P.NO.950 OF 2020

ORDER:-

The present Civil Revision Petition is filed being aggrieved by the order, dated 04-12-2019 passed in I.A.No.784 of 2017 in O.S.No.51 of 2017 by the Principal Junior Civil Judge, Piler, Chittoor District, wherein the application filed by the petitioner/plaintiff, to set aside the dismissal order passed on 27-10-2017 and to restore the suit, was dismissed.

The brief facts of the case of the revision petitioner are as follows:-

The revision petitioner herein has filed suit O.S.No.51 of 2017 on the file of the Court of Principal Junior Civil Judge, Piler, Chittoor District for recovery of Rs.85,900/- along with interest and costs on the foot of a promissory note against the respondent/defendant. On 27-10-2017, on which date the suit was posted, as the revision petitioner/plaintiff did not appear before the Court, the court below dismissed the suit for default. As such, the petitioner filed I.A.No.784 of 2017 seeking to set aside the order of dismissal and restore the suit to its file. As there was a delay in filing the said I.A., he filed another I.A. seeking to condone the delay of 9 days in filing the said I.A.

This court by an order, dated 19-02-2021, allowed C.R.P.No.949 of 2020 by setting aside the order passed in I.A.No.783 of 2017 while condoning the delay of 9 days.

In view of the orders passed in C.R.P.No.949 of 2020, this Civil Revision Petition is also allowed and the order, dated.04-12-2019, passed in I.A.No.784 of 2017 in O.S.No.51 of

2017 by the Principal Junior Civil Judge, Piler, Chittoor District, is hereby set aside and I.A.No.784 of 2017 is allowed and suit is restored to its file. The learned trial judge is directed to proceed with the trial of the suit in accordance with law. No order as to costs.

Miscellaneous Petitions pending, if any, shall stand closed in consequence.

19th FEBRUARY, 2021
TSNR

K.SURESH REDDY,J