

(1998) 11 AP CK 0007

Andhra Pradesh High Court

Case No: C.M.P. No. 7525 of 1994 in CRP SR No. 79332 of 1992

Ch. Sangaiah

APPELLANT

Vs

Mylavaram Sowbhagyamma
and Others

RESPONDENT

Date of Decision: Nov. 5, 1998

Acts Referred:

- Limitation Act, 1963 - Section 5

Citation: (1999) 1 ALT 27 : (1999) 1 APLJ 116

Hon'ble Judges: Syed Saadatulla Hussaini, J

Bench: Single Bench

Advocate: R. Kameswara Rao, for the Appellant; None, for the Respondent

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

Syed Saadatulla Hussaini, J.

Heard

2. This application is filed to condone the inordinate delay of 224 days in preferring the revision. The reason given in the affidavit is that the petitioner could not contact his advocate as his advocate was attending to his father who was shifted to Apollo Hospital, Hyderabad and copy of the order was served on his Advocate at Khammam on 21-4-1992. Ultimately, the father of his advocate died on 10-11-1992 and after that, there was no explanation as to why the petitioner could not contact the advocate.

3. In a recent decision of Apex Court reported in P.K. Ramachandran Vs. State of Kerala and Another, Their Lordships have observed.

"the rigour of limitation has to be applied in the case and equity also cannot be the basis for extending the period of limitation on equitable grounds."

Following the same, I am not inclined to condone the inordinate delay of 224 days.

4. Accordingly this C.M.P. is dismissed. No costs.