

CIVIL DIARY DATED : 26-11-2024

<u>S.No.</u>	<u>Case No.</u>	<u>Proceedings</u>
1.	I.A.No. 1747/2024 MVOP SR 350/2018	Petitioner called absent. For appearance of petitioner and hearing, call on 06-12-2024
2.	I.A.No. 1746/2024 MVOP SR 83/2014	Petitioner called absent. For appearance of petitioner and hearing, call on 06-12-2024
3.	I.A.No. 1745/2024 MVOP SR 547/2019	Petitioner called absent. For appearance of Petitioner and hearing, call on 06-12-2024
4.	DOPSR 6264/2024	<p>I heard Learned Counsel for petitioner and perused the record.</p> <p>Smt.Bale Esteru Rani has filed this application for dissolution of marriage under Divorce Act. The section while numbering the application took objection that marriage certificate and photos were not submitted. Then the counsel represented the petition to call at bench.</p> <p>Learned Counsel submitted that undertaking is given that at the time of evidence marriage certificate would be furnished. However, there is no explanation as to photographs. This court has gone through the photographs said to be filed as marriage photographs which depict the individual photographs as if superimposed, but not as to the marriage performance either in the Church or otherwise. Petitioners in the explanation have stated that the marriage was performed at the house of respondent in the presence of family members, but no family photo is furnished stating that certain person authorized to perform the marriage had performed the marriage and that family photograph affecting the performance marriage. Hence, petition is hereby returned to comply the objections. Time is given one week.</p>
5.	I.A.No. 2/2023 ASSR 11195/2023	<p>Notice affixed in notice board. Petitioners called absent. Respondent called absent. Orders pronounced (VSO) in open court.</p> <p>In the result, petition is allowed condoning the delay of 215 days in preferring the appeal against the decree and judgment dt.16.11.2022 on the file of Principal civil Judge (Senior Division), Eluru subject to payment of costs of Rs.500/- to DLSA on or before 02.12.2024.</p> <p>For complying conditions, call on 02.12.2024.</p>

<p>6.</p>	<p>I.A.No. 237/2024 SR 13039/2023</p>	<p>Smt.Gorrela Hemalatha, the Plaintiff in O.S.No.29 of 2016 on the file of Additional Civil Judge (Senior Division), Eluru filed this application to condone the delay of 141 days in preferring the appeal against the impugned decree and judgment dt.28.02.2023.</p> <p>The Petitioner has shown Respondent Nos.1 to 4. All the Respondents were set exparte. There is no opposition from Respondents.</p> <p>The case of Petitioner is, the suit is filed for partition of schedule property in to 5 equal shares. Defendant Nos.1 to 5 are parties before Trial Court. On contest, the suit was decreed in part granting preliminary decree for partition of B-Schedule property, but the relief of partition of A-schedule property was dismissed.</p> <p>Aggrieved by impugned dismissal, the Plaintiff has preferred the appeal. While preferring the appeal, there occurred a delay of 141 days.</p> <p>The reason assigned for delay is after obtaining certified copy of decree, the appeal could not be filed in time as her husband has been taking treatment and she is only the care taker to her husband. She has to accompany him for treatment. As such, there occurred delay.</p> <p>In the course of hearing, the learned counsel for Petitioner submitted arguments on the lines of affidavit assertions.</p> <p>The Petitioner is successful decree holder in O.S.No.29 of 2016 on the file of Additional Civil Judge (Senior Division), Eluru. However, it appears, the Petitioner sought for partition of A & B schedule properties. The suit is decreed for B-schedule property, but dismissed for A-schedule property.</p> <p>Aggrieved by the same, the Petitioner preferred the appeal. There is no record to show that the Defendants have approached Appellate Forum challenging the impugned decree. The Plaintiff herself approached the Appellate Court challenging the decree. In delay application, opportunity is given to Defendants, but none chosen to appear and they remained exparte. There is no opposition from Respondents. Therefore, the reason assigned for delay in preferring the appeal that her husband is suffering with ill-health and she being the alone care taker accompanied him for treatment is remained unchallenged. The suit is for partition. In the partition suit, all the parties would become plaintiffs. However, on</p>
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		<p>merits, the parties are at liberty to contest in the appeal.</p> <p>In the circumstances, the reason assigned is sufficient cause to condone the delay. Hence, I am of the view that the present petition can be considered.</p> <p>In the result, the petition is allowed condoning the delay of 141 days in preferring the appeal against the decree and judgment dt.28.02.2023 in O.S.No.29 of 2016 on the file of Additional Civil Judge (Senior Division), Eluru subject to payment of costs of Rs.500/- to DLSA on or before 02.12.2024.</p> <p>For complying conditions, call on 02.12.2024.</p>
7.	I.A.No. 442/2024 SR 164/2024	For orders, call on 20-12-2024
8.	I.A.No. 1490/2024 MVOP SR 2971/2024	Order pronounced in open court. (VSO) In the result, Petition is hereby allowed in part directing the Petitioner/claimant to deposit the curt fee within three months from the date of this order or prior to commencement of trial. Section is directed to check and number the Petition if otherwise in order. Accordingly, petition is disposed off.
9.	I.A.No. 1491/2024 MVOP SR 3805/2024	Order pronounced in open court. (VSO) In the result, Petition is hereby allowed in part directing the Petitioner/claimant to deposit the curt fee within three months from the date of this order or prior to commencement of trial. Section is directed to check and number the Petition if otherwise in order. Accordingly, petition is disposed off.
10.	MVOP SR 1235/2024	Counsel for Petitioner present. For hearing, call on 17-12-2024
11.	I.A.No.1293/2024 ASSR 4330/2024	Sri. P. Prasad Rao advocate, filed vakalat for Respondent. For hearing, call on 06-12-2024

**INTERLOCUTORY APPLICATIONS CAUSE LIST RELATING TO
PRINCIPAL DISTRICT COURT, WEST GODAVARI, ELURU AS ON 27.11.2024**

S.No.	Nature of case	Stage	Advocate for Petitioner	Advocate for Respondent
1.	MVOP SR 2503/2023	DMK	HEARING	---
2.	I.A.No. 1549/2024 MVOP SR 8242/2023	NOTICES	KOLLU SR	---
3.	I.A.No. 508/2024 OSSR 9462/2022	HEARING	DMK	---
4.	I.A.No. 1547/2015 OS 100/2004	ORDERS	KPR	---
5.	I.A.No.457/2024 LGOP 74/2013	HEARING		---
6.	I.A.No.1507/2024 MVOP 268/2022	APPEARANCE	AVN	---
7.	I.A.No.1508/2024 MVOP 269/2022	APPEARANCE	AVN	---
8.	I.A.No.1751 /2024 MVOP 387/1994	APPEARANCE	BVKR	---
9.	I.A.No.1752 /2024 MVOP 387/1994	APPEARANCE	BVKR	---
10.	I.A.No.1753 /2024 MVOP 303/2017	APPEARANCE	YS	---
11.	I.A.No.1178/2024 DOP SR 155/2023	ORDERS	CHNS	---
12.	I.A.No.1748/2024 DOP SR 6992/2024	HEARING	MT	---