

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE ANTONY DOMINIC
&
THE HONOURABLE MR. JUSTICE P.DRAJAN

TUESDAY, THE 16TH DAY OF JUNE 2015/26TH JYAISHTA, 1937

R.P.No.666 of 2014 IN Mat.Appeal.373/2013

AGAINST THE JUDGMENT IN Mat.Appeal 373/2013 of HIGH COURT OF KERALA DATED 23-09-2013

REVIEW PETITIONER/APELLANT:

KRISHNAN POTTY AGED 73 YEARS
S/O.LATE SANKARA NARAYANAN POTTY
PUTHENMADAM SREEKRISHNA VILASAM HOUSE
PAREKAVIL KULATHIN KARAYIL BHAGOM, THIRUMALA VILLAGE
THIRUVANANTHAPURAM TALUK
THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRL.AYYAPPAN SANKAR

RESPONDENT/RESPONDENT:

1. MANJU S.NAIR, AGED 33 YEARS
D/O.MOHANA S.NAIR, ARAYILKULATH HOUSE, ERANJAL BHAGOM
MUTTAMBALAM VILLAGE, KOTTAYAM TALUK
KOTTAYAM DISTRICT-686 004.
2. DEVASENA ANTHARJANAM (MINOR), AGED 13 YEARS
D/O.MANJU S.NAIR, ARAYILKULATH HOUSE, ERANJAL BHAGOM
MUTTAMBALAM VILLAGE, KOTTAYAM TALUK
KOTTAYAM DISTRICT-686004
MINOR REPRESENTED BY HER MOTHER MANJU S.NAIR
THE 1ST RESPONDENT HEREIN.
3. KRISHNENDU POTTY, AGED 35 YEARS
S/O.KRISHNAN POTTY, PUTHENMADAM SREEKRISHNA VILASAM HOUSE
PAREKAVIL KULATHIN KARAYIL BHAGOM, THIRUMALA VILLAGE
THIRUVANANTHAPURAM TALUK, THIRUVANANTHAPURAM DISTRICT-695 027
4. INDIRADEVI ANTHARJANAM
W/O.KRISHNAN POTTY, PUTHENMADAM SREEKRISHNA VILASAM HOUSE
PAREKAVIL KULATHIN KARAYIL BHAGOM, THIRUMALA VILLAGE
THIRUVANANTHAPURAM TALUK, THIRUVANANTHAPURAM DISTRICT-695 027
5. RAKENDU POTTY, AGED 32 YEARS
S/O.KRISHNAN POTTY, PUTHENMADAM SREEKRISHNA VILASAM HOUSE
PAREKAVIL KULATHIN KARAYIL BHAGOM, THIRUMALA VILLAGE
THIRUVANANTHAPURAM TALUK, THIRUVANANTHAPURAM DISTRICT-695 027

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 16-06-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:

ANTONY DOMINIC & P.D.RAJAN, JJ.

R.P.No.666 of 2014

Dated this the 16th day of June, 2015

ORDER

Antony Dominic, J.

Mat. Appeal No.373/13 was filed by the petitioner along with C.M.Appln.1227/13 praying for condonation of 1032 days' delay in filing the appeal. By judgment dated 23rd September 2013, the delay petition was dismissed and consequently the appeal was also rejected. It is seeking review of the judgment, this review petition is filed along with this application praying for condonation of delay of 297 days in filing the revision petition.

2. We heard the counsel for the petitioner and considered the submissions made.

3. From the records including the affidavit filed in support of the interlocutory application, what we notice is that according to the petitioner though the judgment was rendered by this Court on 23rd September, 2013 due to the lapses on the part of his then counsel, he came to know about the outcome of the appeal only on 1.4.2014. It is stated that thereafter he relinquished the vakalath and engaged a new counsel and this review petition is filed with the delay condonation application. There is absolutely

no material to substantiate anything that occurred prior to 1.4.2014. Moreover, the affidavit also does not contain any explanation why despite receipt of relinquishment letter and the judgment under review on 1.4.2014, this review petition could not be filed any time prior to 22.8.2014, when it was actually filed.

Sum and substance is that the delay is not satisfactorily explained. Consequently, C.M.application is dismissed and the review petition is also dismissed.

Sd/-
ANTONY DOMINIC
JUDGE

Sd/-
P.D.RAJAN
JUDGE

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