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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Review Application No.129 of 2019

S.Karthigeyan

.. Review Applicant

-vs-

M.Abirami

.. Respondent

Memorandum of Grounds of Review Application filed under Order XLIII, Rules 1 & 2 read with Section 114 of the Civil Procedure Code to review the order dated 8.2.2019 passed in C.M.P.No.5243 of 2018 in C.M.A.No.SR16561 of 2018 and C.M.A.No.SR16561 of 2018.

Prayer in C.M.P.No.5243 of 2018: Petition filed Under Section 5 of the Limitation Act to condone the delay of 2224 days in filing the Memorandum of Grounds for Appeal preferred against the decree order passed on 31.10.2011 in G.W.O.P.No.43 of 2009 on the file of the Principal District Court, Vellore.

Prayer in C.M.A.No.SR16561 of 2018: Petition filed Under Section 47 of Guardian and Wards Act read with Section 8 of the Hindu Minority and Guardianship Act against the Order dated 31.10.2011 in G.W.O.P.No.43 of 2009 on the file of the Principal District Court, Vellore.

For Review Applicant :: Mr.S.Karthigeyan
Party-in-Person

ORDER

This review application has been filed to review the order dated 8.2.2019 passed in C.M.P.No.5243 of 2018 in C.M.A.No.SR16561 of 2018 and C.M.A.No.SR16561 of 2018.

2. The review applicant Mr.S.Karthigeyan appearing in person attempted to justify the delay of more than six years in approaching the Court stating that he was having several personal and domestic issues which prevented him from approaching the Court in time. Therefore, as a Court of equity, this Court should entertain the review application. He has also produced an order passed by the Apex Court dated 9.5.2016 passed



in Civil Appeal No.4983 of 2016 (Manoj Anslem Rebeiro v. Candace Elizabeth Rebeiro) to say that whatever be the background of the case, it cannot be so acrimonious so as to deny the right of the father to see his daughter. Therefore, in matters like this, the delay cannot be put against the review applicant.

3. When this Court, by order dated 8.2.2019, has already considered the submissions made by the review applicant and dismissed the petition seeking condonation of a huge delay of 2224 days in filing the appeal and also rejected the appeal after hearing the respondent finding no sufficient cause, no grounds are made out to review the said order, as the law is well settled that for condonation of delay, Section 5 of the Limitation Act calls upon every litigant coming to Court to explain each day's delay with sufficient cause. In the present case, more than six years delay has not been explained anywhere with sufficient cause. Therefore, this Court is not inclined to entertain the review application. Accordingly, the review application stands dismissed.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

ss

To

The Principal District Judge,
Vellore.

+2 ccs to M/s.S.Karthikeyan, Advocate, S.R.No.62256

Review Application No.129 of 2019

PA(CO)
SSM(22/08/2019)