

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2019

CORAM:

THE HONOURABLE MR. JUSTICE DR.G.JAYACHANDRAN

CMP.No.7531 of 2019
and Rev.Appl.Sr.No.38072 of 2019

1.Radha Gajapathi Raju
2.Vidhya Singh
3.Urmila Prakash

... Petitioners

Vs.

1.P.Madurai Gajapathi Raju
2.P.Alak Narayan Gajapaaathi Raju
3.P.Monish Gajapathi Raju
4.P.Sidani Gajapathi Raju
5.The Executor,
Maharani Vidhyavathi Devi Trust,
Vizianagaram,
Trustee General I.S.Gill Sikh,
No.31, South Bank Road,
Mandaveli,
Chennai - 600 028
6.P.Anand Gajapathi Raju
7.Ashok Gajapathi Raju
8.R.V.Sumeetha Prasad

...Respondents

PRAYER: Civil Miscellaneous Petition filed under Section 5 of the Limitation Act praying to condone the delay of 722 days in filing the petition review in Review Sr.No.38072 of 2019 to review the order dated 23.02.2017 in S.A.No.458 of 2009.

Prayer in Review Sr.No.38072 of 2019:Petition filed under section 114 and Order XLVII of CPC, praying to review the order dated 23.02.2017, made in SA.No.458/2009.

Prayer in SA.No.458 of 2009: Second Appeal filed under section 100 of CPC, praying to set aside the Judgment and Decree passed in Appeal Suit No.305 of 2004 dated 30.06.2008 passed by the Additional District and Sessions court, Fast Track Court 1, Chennai-1 confirming the Judgment and decree in OS.No.2664 of 1997 on the file of the VIII Assistant City Civil Court, Chennai dated 05.02.2004, dismiss the suit in OS.No.2664/1997 as not maintainable.

For Petitioners: Mr.P.Subba Reddy

For Respondents: Mr.N.L.Rajah,
Senior Counsel
for Mr.R.Kumar

ORDER

The learned counsel for the petitioners seeks condonation of 722 days delay in filing the review petition.

2. The cause for delay as put forth by the learned counsel is that against the judgment passed by this Court in Second Appeal on 23.02.2017, the petitioner filed SLP before the Supreme Court which came up for hearing on 05.03.2019 and the same was dismissed. Thereafter he has preferred this review petition. Thus, the delay of 722 days has incurred.

3. Perusal of the order passed by the Supreme Court indicates that the Apex court has found no reason to interfere in this matter and SLP was dismissed accordingly. The petitioner after exploring the possibility of Special Leave before the Supreme Court having failed, has now filed review petition with delay of nearly two years. This Court is not inclined to entertain this petition which may lead to endless litigation.

4.Hence, the condonation delay petition is dismissed. Consequently, connected review application is also rejected at the SR stage itself.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The Additional District and Sessions Judge,
Fast Track Court No.1, Chennai

2.The VIII Assistant Judge,
City Civil Court,
Chennai

3.The Sub Assistant Registrar
Main AE
High Court Madras-104

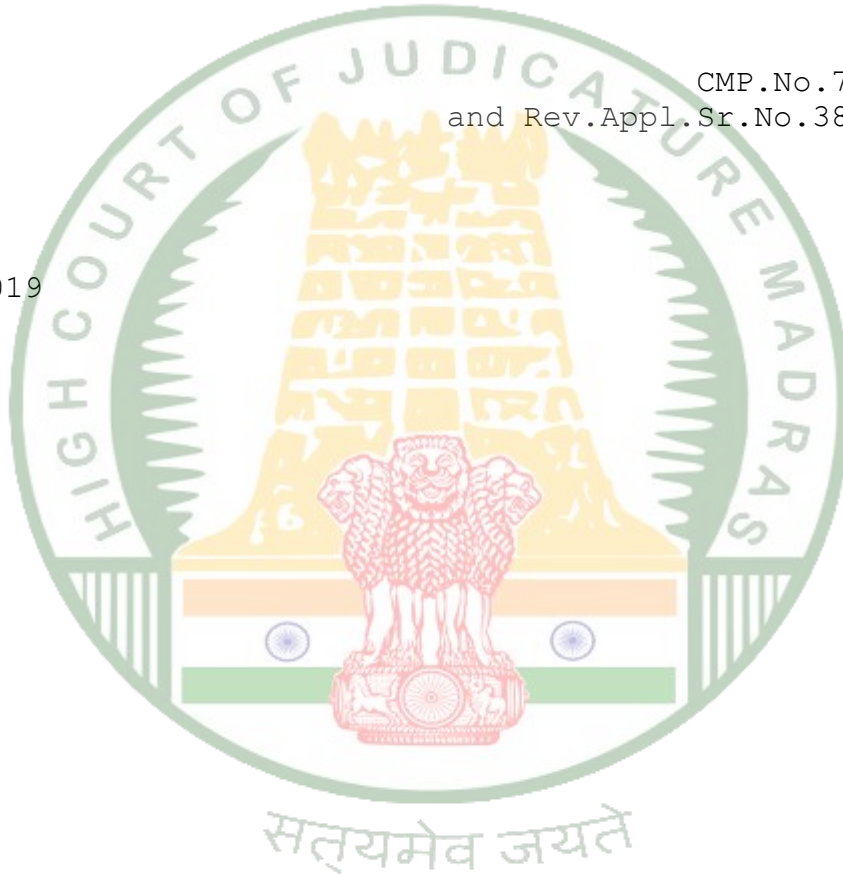
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The Record Keeper VR Section
High Court Madras

+1 cc to M/s.Sampathkumar Associates sr78380
+1 cc to Mr.P.Subba Reddy Advocate sr78816
+1 cc to Mr.E.Jayasankar Advocate sr79392

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mr(co)
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