



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Thursday, the Eighteenth day of July Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice S.S.SUNDAR

CMP(MD) No.5214 of 2019

IN

REV.APLC(MD) No.SR16138 of 2019

1 RAVICHANDRAN @ MURUGAN
2 POOMINATHAN
3 SUNDARAM
4 JEYAPRAKASH

... PETITIONERS/
REVIEW PETITIONERS/
RESPONDENTS 1 TO 4

Vs

1 P.V.PARASURAMAN (DIED)

2 KRISHNAVENI
3 P.VIJAYALAKSHMI
4 S.KASTHURI
5 P.INDIRA

6 THE SUB REGISTRAR
THENI SUB REGISTRAR OFFICE,
T.R.T ROAD, THENI TOWN & TALUK,
THENI DISTRICT.

... 6th RESPONDENT/ 6th RESPONDENT/
5th RESPONDENT

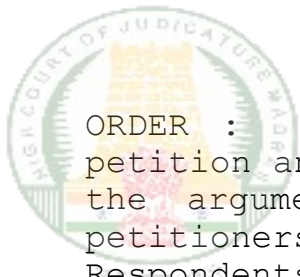
Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to condone the delay of 172 days in filing the petition for Review in the Second Appeal SA (MD)No.128 of 2013 dated 12.09.2018 on the files of this Honourable Court.

PRAYER IN REV.APLC(MD) No.SR16138 of 2019:

To review the order dated 12.09.2018 passed by this Hon`ble Court in S.A.No.128 of 2013.

PRAYER IN S.A.No.128 of 2013:

Second Appeal filed under Section 100 of the Code of Civil Procedure, to set aside the judgment and decree dated 19.10.2012 passed in A.S.No.9 of 2009 on the file of the Additional District and Sessions Court, Theni at Periyakulam confirming the judgment and decree dated 13.04.2009 in O.S.No.21 of 2008 on the file of the Sub-Court, Theni .



ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.M.S.BALASUBRAMANIA IYER, Advocate for the petitioners and of Mr.D.NALLATHAMBI, Advocate on behalf of the Respondents, the court made the following order:-

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This petition is filed to condone the delay of 172 days in filing the review application aggrieved by the judgment and decree passed in S.A.(MD).No.128 of 2013.

2.In the affidavit filed in support of the petition, the petitioners have stated that the copy of the judgment in second appeal was obtained only on 25.03.2019, though it was delivered on 12.09.2018. According to the petitioners the delay is due to the reason that the petitioner came to know about the disposal of the second appeal, only when the respondents attempted to tress pass into the suit properties.

3.Learned counsel appearing for the petitioner also submitted that his name might have been wrongly mentioned in the cause list on that day. Though the counsel suggested that he would not have noticed the listing of case for judgment as his name was wrongly shown in the cause list as it is being happened in some of the cases, on verification it is found that the counsel's name was correctly shown in the cause list. However, the learned counsel appearing for the petitioner apologized and requested this Court that by mistake he did not notice the listing of case when it was posted for judgment. Since the counsel admits that it is his mistake, this Court intends to show some leniency. However, delay in these type of cases causes immense hardship to the respondent. Hence, this Court is inclined to allow the petition on terms. Accordingly, this petition is allowed on condition that the petitioners pay a sum of Rs.10,000/- to the respondent and a further sum of Rs.10,000/- to the Legal Services Committee within a period of two weeks from the date of receipt of a copy of this order, failing which this petition shall stand dismissed automatically without any reference to this Court.

sd/-

18/07/2019

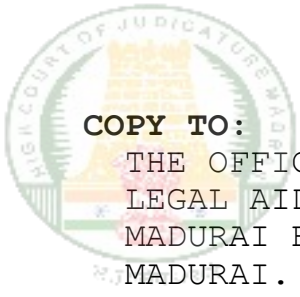
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
THENI AT PERIYAKULAM.

2 THE SUBORDINATE JUDGE, THENI.

**COPY TO:**

THE OFFICER INCHARGE,
LEGAL AID SERVICE AUTHORITY,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

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ORDER

IN

CMP (MD) No.5214 of 2019

IN

REV.APLC (MD) No.SR16138 of 2019

Date :18/07/2019

MS/PN/SAR-3/23.07.2019/3P.4C