



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.11.2019

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

C.M.P (MD) No.9890 of 2019

in

Rev.Aplc (MD) No.SR71234 of 2019

Dr.M.G.Ithayarajan

... Petitioner

Vs.

Rajam

...Respondent

PRAYER (C.M.P.(MD)No.9890 of 2019): Civil Miscellaneous petition filed under Section 5 of Limitation Act, to condone the delay of 526 days in filing the Review Petition against the order passed in C.R.P (NPD) (MD) No.105 of 2011 dated 27.03.2018.

PRAYER (Rev.Aplc (MD) No.SR71234 of 2019): This Review Petition filed under Order XLVII Rule 1 and 2 r/w Section 114 of C.P.C, to review the order passed in C.R.P(NPD) (MD) No.105 of 2011 dated 27.03.2018.

Prayer in CRP(NPD) (MD)No.105/2011

Civil Revision Petition is filed under Section 115 of the Civil Procedure Code, to set aside the fair and decretal order, dated 24.06.2010 passed in I.A.No.552 of 2007 in O.S.No.572 of 2004 on the file of the I Additional District Munsif Court, Nagercoil and allow the CRP.

For Petitioner

: Mr.D.Saravanan

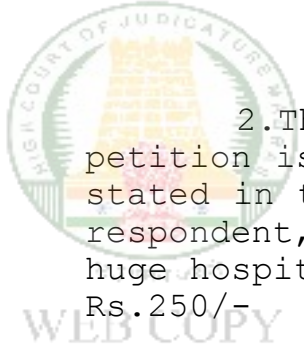
For Respondent

: Mr.T.Selvakumaran

ORDER

The above petition has been filed to condone the delay of 526 days in filing the review petition. The reasons given for the delay, are as follows:-

The above civil revision petition was dismissed on 16.02.2018 and 27.03.2018. after that I was not able to move any where due to old age health problems. I want somebody else assistance and support to move anywhere. I was not able to approach an Advocate due to ailments. I am not able to mobilize funds to pay the courts fees and other expenses. Hence, there is a delay of 526 days in filing the above review petition in time and the same may be graciously condoned. The delay is neither willful nor wanton. If the same has not been condoned. I will be put irreparable loss and hardship.



2.The petitioner is a 57 years old Doctor. However, the petition is not accompanied with any proof to prove the contentions stated in the affidavit. In the counter that has been filed by the respondent, it is clearly mentioned that the petitioner is running a huge hospital and the Court fee that has to be paid is only a sum of Rs.250/-

3.Taking note of the reasons given in the affidavit filed in support of the condone delay petition and the counter and the fact that the affidavit is not supported by any proof, I do not find any reasons for condoning the delay. Hence, this Civil Miscellaneous Petition is dismissed. Consequently, the Review Petition which is in SR stage, is also rejected.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The I Additional District Munsif,
Nagercoil

+1cc to Mr.D.Saravanan, Advocate, Sr.No.100869

+1cc to Mr.T.selvakumaran, Advocate, Sr.No.101684

C.M.P (MD) No.9890 of 2019

in

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cp

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