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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02-02-2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

Review Application No.48 of 2020
against C.M.P. No. 13228/2019
in A.S.SR.130186/2018

1.Ayanganar Film International Media Pvt. Ltd.,
No.147/11, III Floor,
Rajparis Trimeni Towers,
G.N.Chetty Road,
T.Nagar,
Chennai-600 017.

2.C.Arun Pandian,
Managing Partner,
Ayanganar Film International Media Pvt. Ltd.,
No.147/11, III Floor,
Rajparis Trimeni Towers,
G.N.Chetty Road,
T.Nagar,
Chennai-600 017.

3.K.Sundaraj

..Petitioners

vs.

1.S.Venmathi

2.S.Sanjay (Minor)

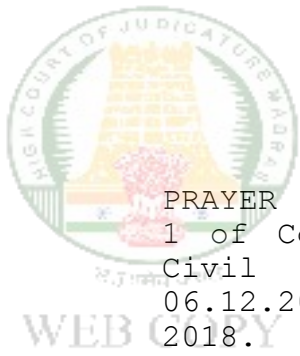
3.S.Sandhya (Minor)

4.Mr.Raju

5.Gemini Arts (P) Ltd.,
Carrying business at,
No.601, Anna Salai,
Gemini Arts Buildings,
Chennai.

6.Mr.Suganandan
(Minors R-3&R-4 represented by their mother-
natural guardian S.Venmathi R-1)

..Respondents



PRAYER : The Review Application is filed under Order XLVII, Rule 1 of Code of Civil Procedure r/w Section 114 of the Code of Civil Procedure, against the order of this Court dated 06.12.2019 made in CMP No.13228 of 2019 in AS SR No.130186 of 2018.

Prayer in C.M.P. No. 13228/2018:

Civil Miscellaneous Petition filed under order 41 Rule 3A of CPC 1908 to condone the delay of 1631 days in preferring the appeal against the Judgment and Decree dated 26.02.2014 in O.S. No. 10827/2010 on the file of City Civil Court, Chennai.

For Petitioners : Mr.P.L.Narayanan
For Respondents-1to3 : Mr.V.P.Rajendran

O R D E R

The Review Application is filed to review the order dated 06.12.2019 passed in CMP No.13228 of 2019 in A.S.SR No.130186 of 2018.

2. Perusal of the grounds for review reveal that the petitioners have taken an attempt to re-adjudicate the issues on merits.

3. Learned counsel appearing on behalf of the petitioners states that all along the petitioners were pursuing the judicial remedy and therefore, the delay was neither willful nor wanton and to be condoned.

4. It is not, as if, the judicial remedy can be pursued and after reaching finality, once again they can file another appeal in respect of judgment and decree passed in a original suit.

5. The facts and circumstances were already adjudicated by this Court and the order was passed on 06.12.2019. The scope of review is undoubtedly limited. Only if there is an error apparent, then alone the power of review can be exercised and not otherwise.

6. As far as the condone delay is concerned, this Court settled the principles that uncondonable delay cannot be condoned and the reasons must be candid for the purpose of condoning enormous delay.

7. In the present case, the delay is more than 5 years and the facts and circumstances were considered by this Court and the grounds raised in the present Review Application to re-adjudicate the matter on merits, cannot be entertained. Thus,



the grounds for reviewing the order is not convincing and therefore, the Review Application No.48 of 2020 stands dismissed. However, there shall be no order as to costs.

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s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

Svn

To

The VI Additional Court
City Civil Court, Chennai

+1 CC to Mr.V.P.Rajendran, Advocate sr 5305.

Review Application No.48 of 2020

SS(CO)
SP(02/03/2021)