

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:12.03.2020

CORAM:

THE HON'BLE MR.JUSTICE T.RAVINDRAN

C.M.P.No.3134 of 2020
in
Rev.Appl.SR.No.137791 of 2019

Periyasamy ...Petitioner/Petitioner

-Vs-

Manavalan ... Respondent/Respondent

Prayer in CMP.No.3134/20:

Civil Miscellaneous Petition filed under section 5 of the Limitation Act, to condone the delay of 88 days in preferring the above Review Petition against the order made in S.A.No.1327 of 2005 dated 08.03.2019.

Prayer in Rev.Appl.SR.No.137791/2019:

This memorandum of Grounds of Review Application filed under order 47 Rule 1 and r/w 114 of C.P.C. Praying to review the order dt.8.3.2019 passed in SA.No.1327/05 by allowing this Review Petition.

For Petitioner : Mr.C.Prakasam

O R D E R

Seeking to review the judgment passed in Second Appeal No.1327 of 2005 dated 08.03.2019, the Review Application has been preferred by the Review Petitioner. Inasmuch as the Review Application has not been preferred within the time allowed by law and there is a delay of 88 days in preferring the Review Application, to condone the said delay, the present petition has been preferred.

2. The Review Petitioner has not disputed that the Second Appeal has been dismissed on 08.03.2019. However, according to him, he had come to know about the dismissal of the Second Appeal through his earlier counsel only in the month of October 2019 and received the copy of the judgment on 30.10.2009. However, the abovesaid reason is unacceptable. Further, according to the Review Petitioner, thereafter, he had contacted his present counsel immediately and obtained the legal opinion from him and according to him, as his earlier counsel had not conducted the case properly, the

Second Appeal ended in dismissal. Therefore, to set right the things, he had chosen to prefer the Review Application. However, as there occurred a delay of 88 days in filing the Review Application, the present petition for condonation of delay has come to be preferred by him.

3. Considering the reasons projected by the petitioner for the delay, particularly, when the Second Appeal has been dismissed on merits on 08.03.2019 and when it is not the case of the Review Petitioner that his counsel is unaware of the dismissal of the Appeal, in such view of the matter, it is evident that the Review Petitioner is also having knowledge about the dismissal of the Second Appeal on 08.03.2019 itself. Therefore, to say that he had come to know about the dismissal of the Second Appeal only in the month of October and thereby the delay had occurred in preferring the Review Application, as such, cannot be countenanced.

4. In such view of the matter, I do not find any valid reason for the condonation of the delay. Hence, the Civil Miscellaneous Petition No.3134 of 2020 is dismissed. Consequently, Rev.Appl.SR.No.137791 of 2020 is rejected.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

To

1.The Principal District Judge,
Villupuram.

2.The Additional Subordinate Judge,
Tindivanam.

Rji(co)
krd 4/9

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