

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

REV.APL.No.81 of 2020

Gnanasambandam

..Appellant

vs.

Gandhi

.. Respondent

PRAYER : Review Application filed under Section 114 read with Order 47 Rule 1 of C.P.C, to review the order dated 28.02.2020 passed in C.M.P.No.4686 of 2020.

For Petitioner

:_Mr.S.Patrick

ORDER

सत्यमेव जयते

The Review Application is filed to review the order dated 28.02.2020 passed in C.M.P.No.4686 of 2020.

2. The learned counsel for the petitioner states that the petitioner is a Senior Citizen and diabetic patient. He met with a minor accident which resulted fracture in the right ankle and therefore, he was unable to file the appeal in time.

3. The delay of 473 days is enormous. This Court has considered the facts and circumstances and rejected the application to condone the delay. This Court is of the considered opinion that the ailments like Diabetic cannot be a reason to condone the delay of 473 days. When the appeal is filed against the judgment and decree passed in a suit, the reasons must be candid. In the present case, the affidavit filed in support of the miscellaneous petition reveals that the petitioner is a Senior Citizen and diabetic patient. Though it was stated that he is a Senior Citizen, in the very same affidavit, the petitioner is aged about 55 years. A person, who aged about 55 years, is not a Senior Citizen and therefore, the petitioner has not approached this Court with clean hands in the present Review application. Thus, the petitioner has not established any acceptable ground for the purpose of entertaining the review application. The scope of review is

limited and only if an error is apparent, which is brought to the notice of this Court, the application for review can be entertained and not otherwise. In the present case, the petitioner has made an attempt to re-adjudicate the matter on merits, which is impermissible and accordingly, the review application stands dismissed. No costs.

02.02.2021

ssb

Index: Yes/No

Internet: Yes/No

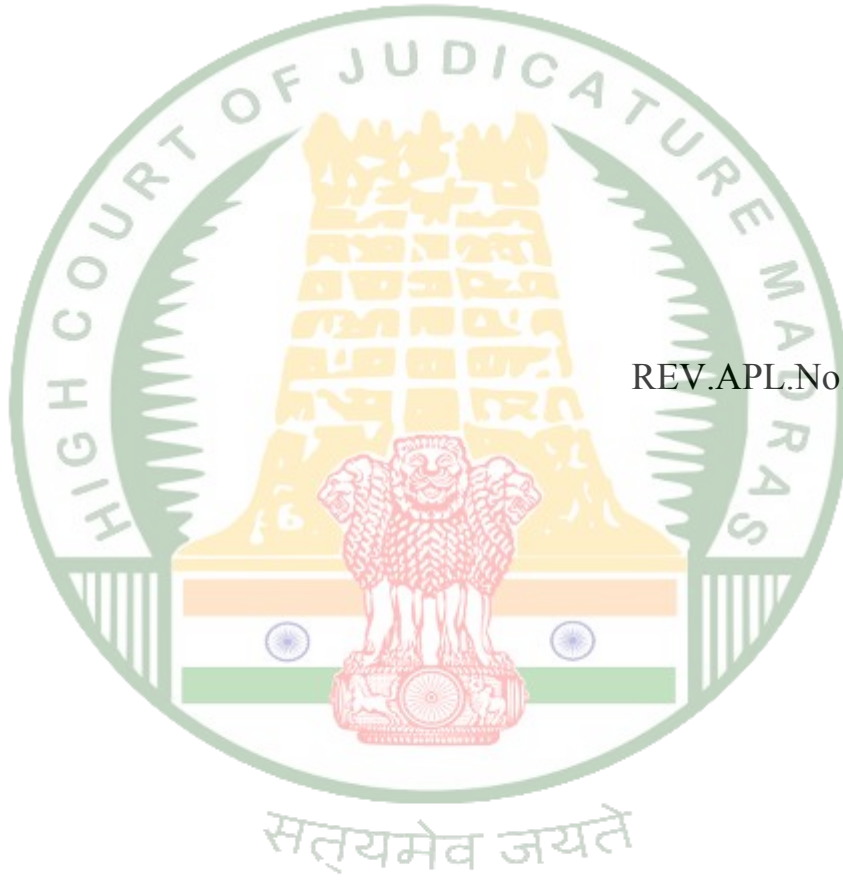
Speaking order/Non-Speaking Order



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S.M.SUBRAMANIAM, J.

ssb



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