



Rev.Aplc.(MD).No.144 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : **15.06.2022**

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Rev.Aplc.(MD).No.144 of 2021
in CMP.(MD).No.105 of 2021
and CMA.(MD).SR.54014 of 2020

S.Sivakumar

..Review Petitioner/Petitioner/Applicant

Vs.

1.The Managing Director
Tamil Nadu State Transport Corporation Ltd
New Railway Road
Kumbakonam.

2.M.Rajamani

3.The Branch Manager
The Oriental Insurance Company Ltd.,
B.R.Annex Floor
35, Ramakrishna Street
Tambaram, Chennai-45

..Respondents/Respondents/Respondents

PRAYER: Review Application under Order 47 Rule 1 and 2 r/w.Section
114 of Civil Procedure Code, against the order dated 08.01.2021 made in



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CMP.(MD).NO.105 of 2021 in CMA.MD.SR.No.54014 of 2020.

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For Petitioner : Mr.S.Siva Thilakar

ORDER

This Review Application is filed seeking to review the order dated 08.01.2021 made in CMP.(MD).NO.105 of 2021 in CMA.MD.SR.No. 54014 of 2020.

2. The main ground raised by the Review Applicant is that he is the injured claimant and filed MCOP.No.574 of 2003 claiming Rs.3,00,000/- for the injuries sustained by him and the learned Judge, Tribunal awarded a sum of Rs.10,000/- which is very meager as he suffered grievous injury. Therefore, he filed CMP.(MD).No.105 of 2021 in CMA(MD).SR.No. 54014 of 2020 with delay of 5506 days in filing the appeal. The court has not taken into consideration the reasons of delay in filing the appeal and dismissed the petition for delay and rejected the CMA SR, hence, sought to review the order dated 08.01.2021.



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3. Under the provisions of Order 47 CPC, the Court considers the question whether there is any ground prima facie appearing in the application which would justify the issue of a notice to the opponent.

4. A bare perusal of the order passed would go to show that this court gone through the reasons stated by the petitioner for the delay and based on the settled proposition of law laid down by the Honourable Supreme Court in the case of ***Esha Bhattacharjee Vs. Managing Committee of Raghunathpur Nafar Academy and others [2013 (5) CTC 547 (SC)]*** and on a finding that there is no valid reason adduced for condoning the delay of 5506 days in filing the appeal and also in view of the fact that the delay is not minimal and that it is a very long delay, the court passed the order dismissing the condone delay petition and thereby the appeal in SR stage.

5. For the foregoing reasons, there is not even prima facie ground for issuing notice to the other side.

6. There is no deviation by this Court from the settled proposition



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of law and no oversight could be discerned on the scrutiny of the order passed by this Court and there is nothing to show that there is an error apparent on the face of record.

7. In view of the above discussion, there is no merits in the review application and it is misconceived and therefore, liable for dismissal. Accordingly, the review application is dismissed. No costs.

15.06.2022

Index: Yes/No
Speaking/Non-speaking order
nvsri

To

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J.NISHA BANU,J.

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