



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Monday, the Fourth day of April Two Thousand and Twenty Two
PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CMP(MD) No.5368 of 2017

IN

REV.APLC(MD) No.SR19863 of 2017

- 1 THE STATE OF TAMIL NADU
THROUGH ITS DISTRICT COLLECTOR, COLLECTORATE,
MADURAI-20.
- 2 THE TAHSILDAR,
MELUR TALUK, TALUK OFFICE, MELUR, MADURAI.
- 3 THE SPECIAL OFFICER
DIRECTOR OF RURAL DEVELOPMENT,
STATE BOOTHAN BOARD,
4TH FLOOR, PANAGAL MALIGAI, SAIDAPET,
CHENNAI-15. ... PETITIONERS/REV.PETITIONERS/APPELLANTS

Vs

- 1 R.MOOKKAYEE
- 2 TAMILARASI
- 3 R.SRINIVASAN
- 4 DHANASEKARI ... RESPONDENTS/RESPONDENTS/RESPONDENTS

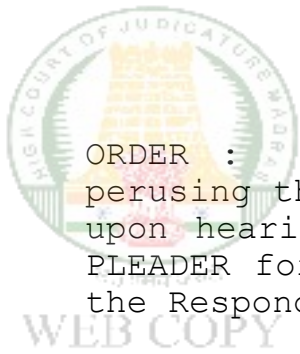
Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to condone the delay of 1577 days in filing the Review Application as against the judgment and decree passed in SA(MD). No.460 of 2012 dated 03/12/2012.

PRAYER IN REV.APLC(MD)SR No.19863 of 2017

Pleased to Review the order passed in SA(MD) No.460 of 2012 dated 03.12.2012 and allow the Review Application.

Prayer in SA(MD). 460/ 2012 :

To file this Memorandum of Grounds of Second Appeal against the Judgment and Decree made in AS.No.5/2007 dated 08/06/2007 on the file of the Principal District Court, Madurai reversing the Judgment and Decree dated 10/03/2006 made in OS.No.179/2004 on the file of the II Additional Sub Court, Madurai.



ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.MUTHU VIJAYAN, SPECIAL GOVERNMENT PLEADER for the petitioners and of Mr.L.SIVA, Advocate on behalf of the Respondents, the Court made the following order:-

The State of Tamilnadu is the review applicant. It was shown as the defendant in the suit filed by the respondents for the relief of declaration and permanent injunction. The suit was originally dismissed. Aggrieved by the dismissal of O.S.No.179 of 2004 on the file of the Second Additional Sub Court, Madurai, the plaintiffs filed A.S.No.5 of 2007 before the Principal District Court, Madurai. The decision of the trial court was reversed and the appeal was allowed on 08.06.2007. Challenging the same, S.A.(MD)No.460 of 2012 was filed. The second appeal suffered dismissal as early as on 03.12.2012.

2. The subject matter relates to a boodhan property. In order to get patta, the plaintiffs filed W.P.(MD)No.16118 of 2014. The writ petition was ordered. Contending that the direction made in the writ petition was not complied with, one of the plaintiffs filed Cont.P.(MD)No.1578 of 2015. After statutory notice was ordered, the present review application appears to have been filed along with the petition for condonation of the delay. Now it is stated that the order passed in the writ petition has been complied with and patta has been issued in favour of the respondents herein subject to the outcome of this petition. The review application has to be filed within 30 days. However, there is a delay of 1577 days in filing this review application.

3.Unless sufficient cause is made out, the applicant is not entitled to condonation. I am more than satisfied that the reasons set out in the affidavit filed in support of the review application are absolutely insufficient. The review applicants woke up only after statutory notice was issued in the contempt petition. Therefore, I hold that no case has been made out for condonation. This Civil Miscellaneous Petition stands dismissed.

sd/-

04/04/2022

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE PRINCIPAL DISTRICT JUDGE,
MADURAI.

<https://hcservices.ecourts.gov.in/hcservices/>



2 THE SECOND ADDITIONAL
SUBORDINATE JUDGE, MADURAI.

ORDER
IN
CMP (MD) No.5368 of 2017
IN
REV.APLC (MD) No.SR19863 of 2017
Date :04/04/2022

SS/JM/SAR:IV/21.04.2022 : 3P/3C