



WEB COPY



CMP.No. 6066 of 2023 in Rev.Appl.SR No. 76307 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2023

CORAM

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
AND
THE HONOURABLE MR.JUSTICE P. DHANABAL**

**CMP.No. 6066 of 2023
in
Rev.Appl.SR No. 76307 of 2021**

1.P.Sundar
2.S.Gomathi
3. E.Murugaiyan
4. E.Sankar
5. E.Selvam
6. E. Murthy

..Petitioners

Vs

1.The Special Tahsildar
Adi Dravidar Welfare
Sriperumbudur Taluk at Ambattur,
Tiruvallur District.

2.The Commissioner & Secretary
Adi Dravidar Welfare & Social Welfare Department,
Government of Tamil Nadu,
Secretariat, Chennai – 600009.

3. The Collector,
Tiruvallur District, Tiruvallur.



CMP.No. 6066 of 2023 in Rev.Appl.SR No. 76307 of 2021

4. B.Vincent,
The President,
Chembarabakkam Village Panchayat,
Pappanchatram, Palanjur -602103
Poonamalle Taluk, Tiruvallur District.

..Respondents

Prayer: CMP is filed to condone the delay of 2904 days in preferring the above Review Application against the order dated 29.02.2012 made in W.A.No. 2098 of 2011.

For Petitioners : M/s.Louisal Ramesh

For Respondent : Mr. E.Vijay Anand, AGP – R1 to R3

ORDER

(Judgment of the Court was made by D.KRISHNAKUMAR, J.)

This Civil Miscellaneous Petition is filed to condone the delay of 2904 days in preferring above Review Application against the order of this Court made in W.A.No. 2098 of 2011, dated 29.02.2012.

2. It is stated in the affidavit filed by the petitioner that pursuant to the order of this Court, the Revenue people agreed to consider the suggestions of allotment of land in favour of the petitioners while implementing the



3. We have carefully examined the averments made in the affidavit.

4. The Hon'ble Supreme Court in ***H.Dohil Constructions Company te Limited vs Nahar Exports Limited and Another reported in 1 Supreme Court Cases 680***, has categorically held as follows:

3 / 6



with proper details as regards the date when the papers were returned for refiling, the non-furnishing of satisfactory reasons for not refiling of papers in time and the failure to pay the Court fee at the time of the filing of appeal papers on 06.09.2007, the reasons which prevented the Respondents from not paying the Court fee along with the appeal papers and the failure to furnish the details as to who was their counsel who was previously entrusted with the filing of the appeals cumulatively considered, disclose that there was total lack of bonafides in its approach. It also requires to be stated that in the case on hand, not refiling the appeal papers within the time CIVIL APPEAL NOS. OF 2014 22 of 25 (@ SLP (C) Nos.10811-10812 of 2014 & Connected matters prescribed and by allowing the delay to the extent of nearly 1727 days, definitely calls for a stringent scrutiny and cannot be accepted as having been explained without proper reasons. As has been laid down by this Court, Courts are required to weigh the scale of balance of justice in respect of both parties and the same principle cannot be given a go-by under the guise of liberal approach even if it pertains to refiling. The filing of an application for condoning the delay of 1727 days in the matter of refiling without disclosing reasons, much less satisfactory reasons only results in the Respondents not deserving any indulgence by the Court in the matter of condonation of delay. The Respondents had filed the suit for specific performance and when the trial Court found that the claim for specific performance based on the agreement was correct but exercised its discretion not to grant the relief for specific performance but grant only a payment of damages and the Respondents were really keen to get the decree for specific performance by filing the appeals, they should have shown utmost diligence and come forward with justifiable reasons when an enormous delay of five



CMP.No. 6066 of 2023 in Rev.Appl.SR No. 76307 of 2021

years was involved in getting its appeals registered”

WEB COPY

5. In light of the decision of the Hon'ble Supreme Court cited supra, We are not satisfied with the reason stated in the affidavit for condoning the inordinate delay of 2904 days in preferring the Review Application before this Court. Hence, the Civil Miscellaneous Petition filed to condone the delay in filing review application is dismissed. Consequently, the Review Application is rejected at the SR stage itself.

(D.K.K., J.) (P.D.B., J.)

22.06.2023

Index: Yes / No

Internet: Yes

ak



CMP.No. 6066 of 2023 in Rev.Appl.SR No. 76307 of 2021

**D.KRISHNAKUMAR, J.
AND
P. DHANABAL, J.**

ak

To

1.The Special Tahsildar
Adi Dravidar Welfare
Sriperumbudur Taluk at Ambattur,
Tiruvallur District.

2.The Commissioner & Secretary
Adi Dravidar Welfare & Social Welfare Department,
Government of Tamil Nadu,
Secretariat, Chennai – 600009.

3. The Collector,
Tiruvallur District, Tiruvallur.

**CMP.No. 6066 of 2023
in
Rev.Appl.SR No. 76307 of 2021**

22.06.2023