



C.M.P.(MD).No.3952 of 2023
in
Rev.Applc(MD).SR.No.63367 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 03.04.2023

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THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

C.M.P.(MD).No.3952 of 2023
in
Rev.Applc(MD).SR.No.63367 of 2021

M.T.Sathiappa Thevar

... Petitioner

Vs.

1.M.Thalaimuthu Ambalam (died)
2.O.B.Kesavan (died)
3.O.M.Umarani
4.Minor O.M.Navaneetha
5.Thankaraj
6.T.Mohan
7.T.Rajaram
8.D.Mariamammal
9.M.Seethai Ammal
10.T.Ponnuthai

... Respondents

PRAYER: This application is filed under Order 4 Rule 9(4) of Appellate Side Rule, to condone the delay of 346 days in representing the Review Application (MD).SR.No.63367 of 2021.

For Petitioner : Mr.M.Thiyagarajan



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ORDER

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This application has been filed to condone the delay of 346 days in representing the Review Application (MD).SR.No.63367 of 2021.

2. According to the petitioner, the Hon'ble Supreme Court has dismissed the Special Leave Petition on 03.05.2021. Since the same is a non-speaking order, he has filed the Review Application before this Court on 13.12.2021. However, the same was returned on 27.12.2021 and again returned on 25.02.2022. At that time, his counsel has shifted his office and has misplaced the case bundle. Therefore, there was a delay of 346 days. Hence, this application has been filed to condone the delay of 346 days in representing the review application.

3. At the outset, this Court is unable to accept the very reason assigned in the application. Admittedly, the decree and judgment of this Court in S.A. (MD).No.938 of 2008, dated 12.02.2020, has already been challenged before the Apex Court in S.L.P.No.14817 of 2020 and the same was dismissed on 03.05.2021. Thereafter, the Review Application has been filed challenging the judgment of this Court. According to the review petitioner, the amendment in the Registration Act came into force in the year 1997. Therefore, prior to that,



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there was no bar in registration of the document in other state.

4. At the outset, this Court is of the view that first of all, the huge delay for not representing the application has not been properly explained. Mere allegation that the papers were missed in the advocate office and therefore the delay has been occurred is also not supported by any materials. Even the name of the advocate, who stated to have shifted his office also not given. Therefore, for vague allegations huge delay cannot be condoned. Even on merits, now the petitioner seeks to review the judgment rendered on merits. This Court has assessed the conduct of the parties in registering the small fraction of the property outside the State to defeat the sale agreement in favour of the plaintiff. That apart, the plaintiff was also a cultivating tenant. All these facts has been considered by this Court while rendering judgment.

5. In such a view of the matter, this Court do not find any merit in this condone delay petition and the same is dismissed and the Review Application is rejected at the SR stage itself. No costs.

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