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C.M.P.No. 19041 of 2023
in
Rev.Appl. SR.No. 30779 of 2015

T.V. THAMILSELVI, J.

Challenging the judgment and decree passed in S.A.No.694 of 2008, the petitioner preferred the above Review Application, however there is a delay of 2210 days in representing the above Review Application arose. Hence, the present petition has been filed to condone the delay in representing the above Review Application.

2. Mr.V.Haridas, learned counsel for petitioner submitted that against the judgment and decree passed in S.A.No. 694 of 2008, the 1st petitioner's husband filed the above Review Application before this court and due to illness, her husband died on 13.09.2020. He would submit that just before his death, her husband informed her that the Review Application is followed by earlier counsel. But, she was not able to find the earlier counsel till November 2020, since he shifted his office from the previous place. So, she is unable to get proper instructions from the earlier counsel and she was also not informed about the SR number, due to which, she is unable to number the review application within time. However, after hectic efforts,



they found the earlier counsel and came to know that the Review Application was not yet numbered. So, they got back the case bundle and change of vakalat. However, there is a delay of 2210 days arose in representing the Review Application, which is neither willful nor wanton. Hence, they prayed to condone the delay.

3. On perusal of records, it was found that the 1st respondent herein filed a Writ Petition in W.P.No. 1227 of 2019, wherein the C.M.D.A. authority was directed to issue a license in favour of petitioner. In that Writ Petition, this petitioner along with legal heirs of Sarangan were arrayed as respondents 3 to 6 and they were represented by their counsel viz., Mr.S.Mothilal Nehru and Ms.R.Sripriya. However, they have stated that as they were not informed about the Review Application, they are unable to get SR Number, but their counsel on behalf of them appeared and also made representation on behalf of them before this court. Moreover, another Writ Petition was filed in W.P.No. 20151 of 2015, wherein 1st petitioner's husband Sarangan was represented by a counsel, wherein the 1st respondent herein sought for the relief of Writ of Mandamus directing the 2nd respondent herein for issuance of renewed licence. So, even though her husband as well as legal heirs are already aware of the subsequent



proceedings, they have not taken any steps to number the review application till the year of 2022. The contention of petitioners as well as deceased Sarangan was already observed by this court, as they have filed number of vexatious applications on various occasions. The case is pending from the year of 2009, due to the filing of applications by one by one, there is no end achieved in the entire proceedings. Now, they wanted to condone the delay of 2210 days stating that their counsel has not properly communicated to them and subsequently they have got SR number of Review Application. Therefore, on placing a blame on their advocate and on taking a contradictory defence, they have approached this court and the reasons stated for condoning the delay is not justifiable one. Even till the year of 2021, they have appeared before this court and they were aware of filing of the review application. So, on seeing the conduct of petitioners, they wanted only to drag on the proceedings. Hence, I do not find any merit in this petition. Accordingly, this Civil Miscellaneous Petition is dismissed.

02.09.2024

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