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W.M.P.No.25790 of 2022 in Rev.Aplw.SR.No.93458 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2024

CORAM :

THE HON'BLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

W.M.P.No.25790 of 2022 in Rev.Aplw.SR.No.93458 of 2022

M.Veerappan .. Petitioner

v.

1. Union of India represented by
Secretary (Co-operation)
Government of Puducherry

2. The Registrar of Cooperative Societies
Co-operative Department
Puducherry

3. The Registrar, CAT
Madras Bench, Chennai .. Respondents

Writ Miscellaneous Petition filed under Section 5 of the Limitation Act to condone the delay of 1274 days in presenting the review application to review the order dated 15.03.2017 passed in W.P.No.23379 of 2013.

For Petitioner :: Mr.V.Ajayakumar



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For Respondents :: Mr.R.Syed Mustafa
Special Government Pleader
(Puducherry) for R1 & R2
R3-Tribunal

ORDER

(Order of the Court was made by S.M.SUBRAMANIAM,J.)

The review application has been filed with a delay of 1274 days in filing, to review the order of this Court dated 15.03.2017 in W.P.No.23379 of 2013.

2. The petitioner filed O.A.No.727 of 2009 before the Central Administrative Tribunal, which was allowed partly. The Union of India represented by its Secretary (Co-operation), Government of Puducherry filed W.P.No.23379 of 2013 and the Division Bench of this Court allowed the writ petition.

3. The learned counsel for petitioner Mr.Ajayakumar would submit that certain documents and facts were not brought to the notice of this Court at the time of arguments and therefore the review application was filed. Regarding the delay, he would submit that due to Covid-19, the petitioner



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was unable to file the writ petition in time.

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4. Both the reasons are neither candid nor convincing. Unconardonable delay cannot be condoned by the Courts in a routine manner. Law of limitation is substantive. Rule is to file petition/appeal within the time contemplated under the statutes and rules. Condonation of delay is an exception. The Courts, in exercise of the power of discretion, are expected to be judicious in considering the length of delay and the reasons stated for condoning such long delay. Short delay in filing petitions will be considered normally by the Courts by taking a lenient view. However, enormous delay in filing petitions cannot be condoned in a routine manner by the Courts. Such enormous delay is unconardonable, in view of the fact that entertaining petitions after a long time would cause prejudice to the parties to the litigation. Once the issues reached finality, it cannot be unsettled after long years. The reason stated by the petitioner that the delay occurred due to Covid-19 is unacceptable, since the judgment sought to be reviewed was passed by the Division Bench of this Court on 15.03.2017 and the Covid-19 pandemic period commenced in April, 2020 after a lapse of about three



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years from the date of judgment. Thus the reasons stated for condoning the enormous delay of 1274 days are unacceptable. In view of these facts, we are not convinced to entertain the petition and accordingly, the writ miscellaneous petition stands dismissed. Consequently, Rev.Aplw.SR.No.93458 of 2022 stands rejected.

Index : yes/no
Neutral citation : yes/no

(S.M.S.,J.) (M.J.R.,J.)
27.11.2024

ss

To

1. The Secretary to Government (Co-operation)
Government of Puducherry
Puducherry
2. The Registrar of Cooperative Societies
Co-operative Department
Puducherry
3. The Registrar
Central Administrative Tribunal
Madras Bench, Chennai



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