



CMP.No.14751 of 2024
and Rev.Appl.SR.No.66012 of 2024

Dr.ANITA SUMANTH,J.

and

N.SENTHILKUMAR,J.

(Order of the Court was made by Dr.ANITA SUMANTH.,J.)

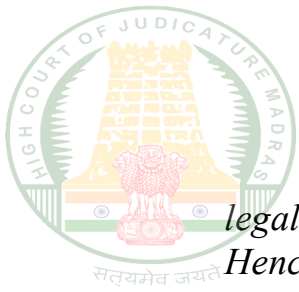
This is a petition seeking condonation of 1609 days in filing the Review Application. The delay has been explained vide averments in paragraphs 9 to 12, which are extracted below:

'9.I beg to submit that, this Court has already held in several cases that filing of additional documents cannot be denied and said document has to be received. Mere receiving of documents will not give any right or title to respective parties in the suit such a right available is granted to all parties and marking of documents is advisable and is subject matter of Trial. "Since this High Court did not consider this legal aspect I am constrained to file the Review Application before this Hon'ble Court. The order passed was on 18.5.2019. But the same was uploaded online after 15 days. Due to my age factor I could not contact my counsel to get the order copy in time. In the meantime there was lockdown due to Corona curfew. Due to my age I could not come out of the house for 3 years. All of us are aged persons above 80 years.

10. I beg to submit that, in the meantime my sister Kamatchi Husband Hari Krishnan died on 6.5.2020. After his death our entire family was upset. After that my sister Kasthuri died on 7.10.2021. So in these circumstance we could not peruse the case. The entire case was handled my sister Kasthuri. So after her death I am not able to peruse the case.

11. I beg to submit that, after the demise of my sister Kasthuri I approached my counsel and collected all materials and stage of case. Then I have advised the legal heirs of my Late sister Kasthuri to file application before this Hon'ble Court to bring them on record. After that I was completely bed ridden and was not able to walk and speak for some time. So I could not deliberate with other applicants and my counsel to file review petition. Now after recovery in the last week of April 2024, Myself and other applicants contacted by counsel after getting legal advice we have decided to file review petition to review the order passed by this Hon'ble Court, since the

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legal position was not considered when the appeal was disposed. Hence there was a delay of 805 days for filing Review Application.

12. I beg to submit that, the Hon'ble Apex Court in suo moto writ petition 3/2020 the Hon'ble Apex Court extended the period of limitation by waiving the period from 15/3/2020 to 28.2.2022. As stated above I am not able to file the review petition in time. Hence caused a delay of 805 days. The said reason is neither willful nor wanton. Unless the delay is condoned we will be put to irreparable loss and hardship. I am having fair chances to succeed in the Review Application since there is legal issues involved.'

2. We have carefully perused the above reasons. Learned counsel for the respondents would not have anything specific to say about the averments seeking condonation of delay but would only point out that there is no justification for the delay.

3. Having perused the aforesaid reasons, we are of the considered view that the reasons are compelling and that the delay is liable to be condoned. The petitioner has explained the period between June, 2019 and June, 2024, when the Review Application came to be filed, in our view, satisfactorily.

4. Hence, the delay of 1609 days in filing the Review Application is condoned and this Miscellaneous Petition is ordered. Registry is directed to number the Review Application, if it is otherwise in order, and list the same for admission.

[A.S.M.,J] [N.S.,J]
27.06.2025

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