



CMP.(MD).SR.No.10546/2021 in Rev.Aplc.(MD).SR.No.55958/2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.01.2025

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

CMP.(MD).No.10546/2021 in Rev.Aplc.(MD).SR.No.55958/2021

P.Jegannathan [Died]
2.Valliyammal
3.Chandrasekar
4.Dhanalakshmi
5.Ravisekar

... Petitioners

****Petitioners 2 to 5 are brought on
record as LRs of deceased sole
petitioner vide order dated 21.06.2024
in CMP(MD).No.16852/2023 in
CMP.(MD).No.10546/2021 in
Rev.Aplc(MD).No.55958/2021**

Vs.

1.S.S.Govindan
2.P.Mariyappan [Died]
3.Mrs.Yasothai
4.Dhanasekara Pandiyan
5.Rajasekara Pandiyan
6.Gunasekara Pandiyan
7.Rajalakshmi

... Respondents

Prayer in CMP (MD).No.10546/2021:- Petition filed under Section 5 of



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the Limitation Act to condone the delay of 711 days in filing the review petition in SA.No.(MD).97/2018 order dated 12.04.2018.

Prayer in Rev.Appl.SR (MD).No.55958/2021:- Review application filed under Order 47 Rule 1 of CPC read with Section 114 of CPC against the order dated 12.04.2018 passed in SA.(MD).No.97/2018.

For Petitioner	: Mr.R.Murugappan
For R1	: Mr.M.Jothi Basu
	RR2&3 – Died
	RR4 to 7-No appearance

ORDER

- (1) This petition is filed to condone the delay of 711 days in filing the review application.
- (2) This Court is unable to find any valid reason for the inordinate delay of 711 days. The petitioners have stated in the affidavit that when the matter was listed for hearing on 12.04.2018, the learned counsel on record could not appear before the Court as he had underwent teeth surgery. It is further stated that the other counsel on record was also engaged in another Court. However, the appeal was dismissed for default by this Court. The petitioners cannot plead lack of knowledge as the petitioners have only an explanation for the non-appearance. The question is about the delay of 711 days in filing the review. Even though the application



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was filed earlier for restoration of the appeal, it is admitted that the said application was withdrawn with liberty to proceed afresh. Absolutely, no reason is stated in the affidavit for the inordinate delay of 711 days. Though some leniency can be shown in favour of the bona fide litigants, this Court is unable to find any justifiable cause for the long delay of 711 days in filing the review application.

(3) Hence, the present miscellaneous petition is devoid of merits. Hence, this petition stands **dismissed**. Consequently, the review application is rejected at the SR stage.

30.01.2025

AP

Internet : Yes



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S.S. SUNDAR, J.,

AP

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