



C.M.P (MD) No.1135 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 27.02.2025

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

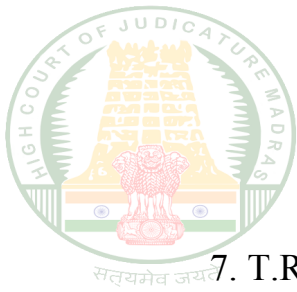
C.M.P (MD) No.1135 of 2025
in Rev.Applc(MD) SR.No.48524 of 2024

M.T.Sathiappa Thevar
S/o.Mathuva Thevar

.... Appellant

Versus

- 1.M.Thalaimuthu Ambalam (Died)
S/o.Malayandi Ambalam
2. O.B.Kesavan (Died)
S/o.O.M.Balakrishnan
3. O.M.Umarani
W/o.Late O.K.Mahesh
4. Minor O.M.Navaneetha
D/o.O.K.Mahesh
Plot No.A-6/4. K.K.Nagar
Madurai – 625 020
(R4 is represented by her mother and guardian of R3)
5. T.Thangaraj
S/o.Late M.Thalaimuthu Ambalan
6. T.Mohan
S/o.Late M.Thalaimuthu Ambalam



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7. T.Rajaram
S/o.Late M.Thalaimuthu Ambalam

8. D.Mariammal
W/o.Durairaj

9. M.Seethi Ammal
W/o.Malaisamy

10. T.Ponnuthai
D/o.Late M.Thalaimuthu AmbalamRespondents

C.M.P (MD) No.1135 of 2025 :Civil Miscellaneous Petition is filed to condone the delay of 937 days in filing the above review application.

Rev.Aplc(MD) SR.No.48524 of 2024:Review Application has been filed under Section 114 read with Order 47 Rule 1 and 2 of Civil Procedure Code 1908 to review the judgment and decree of this Court dated 12.02.2020 made in S.A.No.938 of 2008.

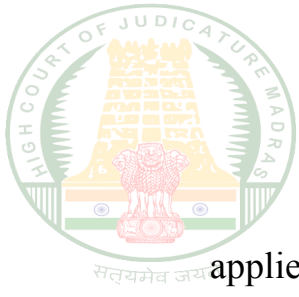
For Petitioner ... Mr.Saibu
For Mr.A.Arumugam
of M/s.Ajmal Associates (Law Firm)

For Respondent ... Mr.J.Ramakrishnan
for R1 and R2

ORDER

This Civil Miscellaneous Petition is filed to condone the delay of 937 days in filing the review application.

2. The reason assigned in the application to the effect that he has



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applied for certified copy of the sale deed to the First Joint Sub-Registrar, Madurai South on 13.06.2024 and received the certified copy on the same day and thereafter, he applied for certified copy of judgment and decree in second appeal on 10.07.2024 and it was made ready on 16.07.2024 and delivered to him on 18.07.2024 and thereafter, he has filed the review application on 16.08.2024 and hence, there is a delay of 937 days in filing the review application.

3. It is relevant to note that second appeal was disposed of on merits on 12.02.2020 by reversing the decree of the specific performance suit and only on 10.07.2024, the petitioner applied for certified copy of judgment and decree in second appeal. The reasons given in the affidavit itself would indicate that the petitioner was sleeping from 12.02.2020 and he has applied for certified copy only on 10.07.2024. The reasons for each day delay has not been given by the petitioner.



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4. When a case has been decided on merits and reached finality, filing a review with huge delay in a casual manner is allowed, there will not be any end to the litigation. The reasons assigned by the petitioner is not sufficient even to consider the application on merits when a person approaches the Court with such a huge delay and without plausible explanation. The averments in the affidavit itself indicate that no explanation whatsoever has been given for such huge delay and this application has been filed thinking that as a matter of right, the delay would be condoned.

5. Therefore, I do not find any merits in the application and the same is dismissed. Consequently, review application in Rev.Aplc(MD) SR.No. 48524 of 2024 stands rejected. There shall be no order as to costs.

27.02.2025

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N. SATHISH KUMAR, J

gpa

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