



Rev.Aplc(MD).No. 129 of 2

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN  
AND  
THE HONOURABLE MRS. JUSTICE L. VICTORIA GOWRI

**Rev.Aplc(MD).No.129 of 2024**

**and**

**C.M.P(MD).No. 14300 of 2024**

- 1.The State Government of Tamil Nadu,  
Rep. by its Principal Secretary to Government,  
Health and Family Welfare Department,  
Secretariat, Fort St.George,  
Chennai.
- 2.The Director,  
Medical and Rural Health Services Department,  
Chennai - 600 006.
- 3.The Chief Civil Surgeon / Chief Medical Officer,  
Government Hospital, Paramakudi,  
Ramanathapuram District.

...Review petitioners

Vs.

- 1.E.Sundari Prabha Rani
- 2.The Accountant General,  
Office of the Accountant General (A&E),  
Guindy, Chennai.

...Respondents

**Prayer:** Review Petition filed under Order 47, Rule 1 & 2 r/w. 114 C.P.C.,  
seeking to review the order dated 18.09.2024 passed in C.M.P.(MD).No.  
13391 of 2023 in W.A.(MD)Sr.No. 67324 of 2023.



For Review Applicant : Mr.S.P.Maharajan  
Special Government Pleader  
For Respondents : Mr.V.R.Shanmuganathan for R1  
Mr.P.Gunasekaran for R2

### **ORDER**

(Order of the Court was made by R.SUBRAMANIAN, J.)

The review of the order dated 18.09.2024 made in C.M.P.(MD).No. 13391 of 2023 is sought for. The said application was filed seeking condonation of delay of 109 days in filing the appeal, finding that the reasons assigned in the affidavit filed in support of the petition were not sufficient to condone the delay, we had dismissed the petition.

2. Today, an additional affidavit has been filed by the Chief Civil Surgeon / Chief Medical Officer, Government Hospital, Paramakudi which discloses some reason for the delay. These reasons should have been made in the affidavit filed along with the petition itself.

3. However, considering the fact that the delay is not too long and a bonafide attempt has been made to explain the delay, we deem it fit to allow the review petition. This review petition is therefore **allowed**, the order

2/5



dated 18.09.2024 is set aside. No costs. Consequently, connected miscellaneous petition is closed.

WEB COPY

4. C.M.P.(MD).No. 13391 of 2024 has been filed seeking to condone the delay of 109 days in filing the appeal in W.A.(MD).Sr.No 67324 of 2023. Apart from stating that there was an administrative delay, in the additional affidavit filed, it has been stated that the papers had misplaced in the Office of the Government Pleader. Misplacement of papers in the Office of the Government Pleader is very common occurrence and at times it is beyond the control of the Government Pleaders. Hence, we take it as a sufficient cause and condoned the delay. Accordingly, C.M.P.(MD).No. 13391 of 2023 will stand allowed.

5. Registry is directed to number the appeal and place it before the appropriate Bench.

(R.S.M., J.) (L.V.G., J.)  
20.01.2025

kkn  
Index: Yes / No  
Speaking order / Non-speaking order  
Neutral Citation : Yes / No



To:

1.The Principal Secretary to Government,  
Health and Family Welfare Department,  
Secretariat, Fort St.George,  
Chennai.

2.The Director,  
Medical and Rural Health Services Department,  
Chennai - 600 006.

3.The Chief Civil Surgeon / Chief Medical Officer,  
Government Hospital, Paramakudi,  
Ramanathapuram District.

4.The Accountant General,  
Office of the Accountant General (A&E),  
Guindy, Chennai.

Rev.Aplc(MD).No. 129 of 2



**R.SUBRAMANIAN, J.**  
**and**



WEB COPY



Rev.Aplc(MD).No. 129 of 2

**L.VICTORIA GOWRI, J.**

KKN

**Rev.Aplc(MD).No.129 of 2024**  
**and**  
**C.M.P(MD).No. 14300 of 2024**

**20.01.2025**