
(2011) 03 KL CK 0287

High Court Of Kerala

Case No: RP. No. 268 of 2011 in Mat. Appeal No. 779 of 2009

P. Sunitha

APPELLANT

Vs

K.V. Jayaraj

RESPONDENT

Date of Decision: March 31, 2011

Hon'ble Judges: R. Basant, J; K. Surendra Mohan, J

Bench: Division Bench

Advocate: Binoy Vasudevan, for the Appellant; No Appearance, for the Respondent

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

R. Basant, J.

The Petitioner was the Appellant in Mat. Appeal No. 779/2009. When the appeal came up for hearing on 2.11.2010, it was submitted that it is agreed that the appeal can be dismissed with the observation that the Appellant shall not be evicted from the residential building till 31.3.2011. To enable the Appellant to take advantage of this concession, it was directed that the Appellant shall file an affidavit of unconditional undertaking before the Execution Court within a period of one month that she shall surrender vacant possession without demand on 31.3.2011, at the latest. It is submitted that such an affidavit has been filed, though belatedly.

2. The Petitioner has now come to this Court with this petition to condone the delay of 113 days in filing the review petition and to review the judgment dated 2.11.2010. In the meantime, it is submitted that the Appellant had gone to the Supreme Court and the Supreme Court has dismissed the SLP by Annexure-A order on 5.1.2011. It is at this juncture that the Petitioner has again come to this Court with this petition to condone the delay and entertain the review petition.

3. We find no error apparent on the face of the record warranting or justifying the invocation of powers of review. Further, we do not find any valid reasons to condone the long delay of 113 days. It appears to us that this petition has been filed on

25.3.2011 obviously to avoid the obligation to surrender the possession on 31.3.2011. We are not persuaded to condone the delay or to entertain the review petition. This petition for condonation of delay and the review petition are in these circumstances dismissed.