

(1943) 12 MAD CK 0020
In the Madras High Court
In Re: K. Vasudevan

Date of Decision : 01-12-1943

Acts Referred:

Citation : AIR 1944 Mad 238 : (1944) 57 LW 20

Judgement

1. C.R.P. No. 318 of 1942 was against an order scaling down a decree debt in a suit on the file of the Subordinate Judge of Trichinopoly. The petitioner having preferred a revision petition the High Court by an order directed the payment of court-fee converting the civil revision petition into a regular appeal and six weeks time was granted therefor. There was a further extension of time to enable the petitioner to pay the court-fee but even then he failed to pay and the civil revision petition itself was dismissed on 14th August 1942. On the passing of the Amending Act the petitioner filed the present application to review the order dated 14th August 1942 and to convert the civil revision petition into a civil miscellaneous appeal.

2. The grounds for review were as follows : The amending Act only excludes from retrospective operation orders passed upto September, October 1989. The section being wide in amplitude and the Act having been passed to remove the hardship created by the necessity to pay ad valorem court-fee by persons entitled to the benefits of the Act the section was specifically put in to meet this purpose and the Court had. the power in the light of the section to reconsider and review that order and to set aside the same as it will be to fulfil the intentions of the amending Act.

ORDER

3. It seems to us cleat that the passing of the Amending Act, even though it changes the law With retrospective effect, is not a sufficient reason for re-opening matters which have already been decided on the basis of the law as it stood before the amendment. The petition to excuse delay and the petition for review are therefore dismissed.