



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 18.02.2021

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

REV.APL.No.13 of 2015

M/s.Gnanambiga Mills Ltd.,
Rep.by its Executive Director,
Mr.Senthil Chinnaswamy
No.5307, Gnanambigai Mills Ltd.
Gnanambigai Post,
Coimbatore-641 029.

.. Petitioner

vs.

Kongunadu Arts and Science
Rep.by its Secretary Dr.M.Aruchami
Gnanambigai Post,
Coimbatore-641 029.

.. Respondent

PRAYER : Revision Application filed under Order 47 Rule 1 and Section 151 of C.P.C, to set aside the judgment and decree dated 30.09.2013 made in C.M.A.No.1526 of 2006.

Prayer in C.M.A.No.1526 of 2006:

Civil Miscellaneous Appeal filed Under Section 104 read with order XLIII Rule 1(u) of CPC., against the Judgment and decree dated 07.11.2005 passed in A.S.No.130 of 2005 on the file of the Principal Subordinate Judge, Coimbatore allowing the appeal thereby restoring the suit for fresh disposal (by open remand) by setting aside the fair and decreetal order dated 26.03.2004 passed in IA.NO.1165 of 2003 in OS.NO.940 of 2003 on the file of the I Additional District Munsif, Coimbatore.

For Petitioner

: Mr.Vijaya Raghunathan

for M/s.Sarvabhauman Asso

For Respondents

: Mr.Shakespeare for

M/s.Puran Khemka

O R D E R

The review petition is filed to review the order dated 30.09.2013 passed in C.M.A.No.1526 of 2006.



2. Undoubtedly, the scope of review is limited under Order XLVII Rule 1 of C.P.C.

3. The learned counsel appearing for the review petitioner made a submission that certain factual errors had been committed while recording the details of the property. However, the parties made a submission that the order in C.M.A.No.1526 of 2006 was passed in the year 2013 and subsequently, the suit in O.S.No.1415 of 2015 was filed by the respondents. In view of the fact that the fresh suit has already been instituted by one of the parties, the review petitioner and all other parties are at liberty to raise their grounds and adjudicate the issue in the said suit which is pending in O.S.No.1415 of 2015 and if necessary, file a petition for counter claim and conduct the case in accordance with law. Thus, the review petitioner as well as the respondent are at liberty to raise their grounds including the grounds raised in the review petition and adjudicate the suit on merits and in accordance with law.

4. With this liberty, the review petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

ssb

To,

1.The Principal Subordinate Judge, Coimbatore

2.The I Additional District Munsif,Coimbatore.

Copy to:

The Section Officer,
VR Section, High Court,Madras.

+1cc to Mr.Shakespeare , Advocate SR.No. 9611

+1cc to M/s.Sarvabhauman Asso , Advocate SR.No. 9807

REV.APL.No.13 of 2015

A.SK(17.03.2021)

A.SK(23.03.2021)