

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2015

CORAM :

THE HONOURABLE MS.JUSTICE R.MALA

Rev.Appln.No.98 of 2014
in C.R.P(PD) No.3144 of 2013

Sri Nandhanam Educational and
Social Welfare Trust represented
by its Chairman,
1.P.M.N.Mohan Krishnaa,
2.M.Andal, Trustee,
3.Ramakrishna Prasad, Trustee

..Petitioners

/vs/

1.N.Saravana Sundar
2.V.N.S.Aruna Janaki Devi
3.P.N.Sankar
4.N.Vijayalakshi Ammal

..Respondents

Prayer: Review Petition is filed under Order 47 Rule 1 r/w. Section 114 of Civil
Procedure Code to review the order of this Court in C.R.P.No.3144 of 2013
dated 16.04.2014.

For Petitioner : Mrs.Dhakshayani Reddy

For Respondents

R1 & R2 : Mr.D.Ravichandran
R3 to R5 : No appearance

ORDER

Heard the learned counsel appearing for the petitioners and the learned counsel appearing for the respondents 1 and 2.

2.The petitioners have come forward with this petition to review the order passed by this Court in C.R.P.No.3144 of 2013 dated 16.04.2014 stating that the case has been based on three documents and that factum was not considered by this Court. But it is appropriate to incorporate Order 47 Rule 1 CPC as to in what circumstances review can be filed. Order 47 Rule 1 CPC reads as follows:

1.Application for review of judgment

(1)Any person considering himself aggrieved—

(a) by a decree or order from which an appeal is allowed, but from which no appeal has been preferred,

(b) by a decree or order from which no appeal is allowed, or

(c) by a decision on a reference from a Court of Small Causes, and who, from the discovery of new and important matter or evidence which, after the exercise of due diligence was not within his knowledge or could not be produced by him at the time when the decree was passed or order made, or on account of some mistake or error apparent on the face of the record of for any other sufficient reason, desires to obtain a review of the decree passed or order made against him, may apply for a review of judgment to the Court which

passed the decree or made the order.

(2) A party who is not appealing from a decree or order may apply for a review of judgment notwithstanding the pendency of an appeal by some other party except where the ground of such appeal is common to the applicant and the appellant, or when, being respondent, he can present to the Appellate Court the case on which he applies for the review.

[Explanation—The fact that the decision on a question of law on which the judgment of the Court is based has been reversed or modified by the subsequent decision of a superior Court in any other case, shall not be a ground for the review of such judgment.]

3. Considering the above, if the petitioners are challenging the merits of the order, they can very well approach the appropriate forum and not this Court under the guise of review application. Hence, the review application is liable to be dismissed as not maintainable.

4. The learned counsel appearing for the petitioners would also submit that on the date of pronouncing the order in C.R.P.No.3144 of 2013, it was represented by the learned counsel appearing for the respondents 1 and 2 for early disposal of O.S.No.54 of 2012. But whereas in the order, it was mentioned as the learned counsel appearing for the petitioners. Hence, the same has to be modified as the learned counsel appearing for the respondents 1 and 2.

5. Even today, the learned counsel appearing for the respondents 1 and 2 would submit that several times this Court has given direction for earlier disposal of O.S.No.54 of 2012, but in one way or other the plaintiffs/petitioners were filing applications and following the delaying tactics. Hence, he prayed for earlier disposal of O.S.No.54 of 2012.

6. Considering the representation made by the learned counsel appearing for the respondents 1 and 2, the Trial Court is directed to dispose of the suit in O.S.No.54 of 2012 within a period of six months from the date of receipt of a copy of this order.

7. In the result, the review application is dismissed. No costs.

15.07.2015

Index: Yes/No
Internet: Yes/No
cse

R.MALA, J.

cse

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