

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2015

CORAM:

THE HONOURABLE **MS. JUSTICE R. MALA**

Rev.A.No.165 of 2014
in C.R.P.No.2671 of 2014 and
M.P.No.1 of 2014

T.R.Venugopal

.. Petitioner

v.

1.C.C.Kuruparan
2.C.C.K.Umayal

.. Respondents

Prayer: Review Petition is filed against the order dated 11.08.2014 in C.R.P.(PD)No.2671 of 2014 on the file of this Court.

For Petitioner

: Mr.V.Subramani

ORDER

This review petition is filed by the petitioner in C.R.P.(PD)No.2671 of 2014.

2.At the time of admission, argument of the learned counsel for the petitioner is heard in length.

3.The petitioner herein has already filed an application for appointment of Advocate Commissioner, which was allowed. Subsequently, the petitioner herein has filed another application in I.A.No.18484 of 2013 for appointment of Advocate Commissioner, which was dismissed, against which, the petitioner has preferred civil revision petition in C.R.P.(PD)No.2671 of 2014 before this Court. That revision petition was dismissed stating that Advocate Commissioner was already appointed and filed his report and hence, appointment of second Advocate Commissioner for the same relief is not necessary.

4.At this juncture, it is appropriate to incorporate Order 47 Rule 1 of C.P.C., which deals with under what circumstances review petition can be filed and it runs 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, or 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.] “

5.Considering the aforesaid circumstances of the case along with Order 47 Rule 1 of C.P.C., review is not an appeal and it can be filed only when some mistake or error apparent on the face of record or any important matter or evidence which was not placed at the time of passing decree. In the case on hand, this Court in para-9 and 10 of the order made in C.R.P.(PD)No.2671 of 2014, considered all the aspects in proper perspective and passed the order on merits. Neither any error apparent on the face of record nor sufficient reason to review the order passed by this Court. So the review petitioner is not

entitled any remedy under this review petition. Hence, the review application is liable to be dismissed and it is hereby dismissed.

6.In fine, Review Application is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

08.06.2015

Index:Yes
Internet:Yes
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R.MALA,J.

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