



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:26.04.2016

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

Rev.Aplc(md).No.102 of 2015

WEB COPY

1.Sundari
2.A.Anitha
3.Dileepan Raja

... Petitioners/Petitioners

Vs.

R.Tharanipathi

... Respondent/Respondent

Prayer: Review petition filed under Order XLVII Rule 1 r/w 114 of Civil Procedure Code to review the order passed in C.R.P.PD(MD).No.373 of 2014 dated 13.01.2015.

Prayer in CRP(MD)No.373/2014 :

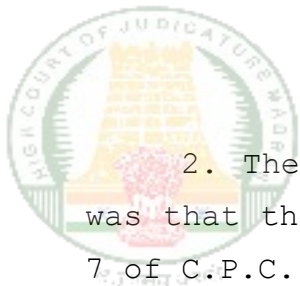
Petition filed praying this Hon'ble Court to call for the records relating to the order passed by Principal District Court, Virudhunagar at Srivilliputhur in OS.SR.No.3622/2013 dated 07.10.2013 and set aside the same and may direct the Principal District Court, Virudhunagar at Srivilliputhur to number OS.SR.No.3622/2013 and adjudicate the same on merits.

For Petitioners : Mr.G.R.Swaminathan

For Respondent : Mr.S.Subbiah

ORDER

Originally the revision was filed by the plaintiff against the order rejecting the plaint in O.S.SR.3622 of 2013 on the file of the Principal District Court, Virudhunagar at Srivilliputhur. The suit was filed for recovery of Rs.19 lakhs from the defendant with interest. It was rejected without numbering. The two aspects before taking a suit on file are the cause of action and the question of limitation. In the present case, the stamp paper was purchased on a date which was subsequent to the date of execution of the document, which is impossible. Therefore, it was on the very doubt the learned Principal District Judge rejected the plaint calling it as vexatious litigation.



2. The endeavour of the learned counsel for the review petitioners was that the case on hand did not satisfy the six limbs of Order 47 Rule 7 of C.P.C. Therefore, the revision ought to have been allowed.

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3. The review application would lie only, when the order suffers from error apparent on the face of the record and the review court does not sit on appeal over this order. The review proceedings is not an appeal and it is to be strictly confined under Order 47 Rule 1 of CPC. The power of review may not be exercised on the ground that the decision was erroneous on merits. A reappraisal of the evidence or evidence is not possible in a review and rehearing of the matter is impermissible in law.

4. As there is no error apparent on the face of the record, the review application cannot be entertained and the same is dismissed. No costs.

Sd/
Assistant Registrar(Crl.Side)

/TRUE COPY/

Sub Assistant Registrar

To

The Principal District Judge, Virudhunagar at Srivilliputhur.

+2ccs to M/S.S.Subbiah, Advocate in SR.Nos.24845 & 20669

+1cc to M/S.G.R.Swaminathan, Advocate in SR.No.24323

Pre-delivery order made in
Rev.Aplc(md).No.102 of 2015
26.04.2016

vs

PA/MP/13.05.2016/2P/5C