

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.07.2016

CORAM

THE HONOURABLE THIRU JUSTICE **M. DURAISWAMY**

Review Application Nos.91 and 92 of 2014

M/s Bharat Petroleum Corporation Ltd
having its Office
Territory Manager
Formerly at Naranappan Chavadi
Sankari Drug
now at Karur

.... Petitioner in both the revisions

vs

R. Jayakumar (since deceased)

1. J. Neelavathi
2. J. Priya Ratna
3. J. Ratna
4. Jeya Ratna
(Legal heirs of the deceased R. Jayakumar)
(cause title accepted vide Order of court dt.
2.7.14 made in MP Nos.1 of 2011 in Rev.
Appln.SR.No.16577 of 2011 in SA No.459/2008)

.... Respondents in both the revisions

Review Applications filed under Section Under Order 47 Rule 1 of
Civil Procedure Code to review the Order dated 18.11.2010 made in

S.A.Nos.460 of 2008 and 459 of 2008

For Petitioner : Mr.O.R. Santhanakrishnan

For respondents : No appearance

COMMONORDER

The appellant in the Second Appeals have filed the above Review Applications to review the judgment and decree, passed in the Second Appeals in S.A.Nos.459 and 460 of 2008 dated 18.11.2010.

2. According to the Review applicant, the findings of this Court, that the Suit for Specific Performance was filed after a period of three years from the date of Ex.B.2-Notice is an error apparent on the face of the record and on that ground, the judgment of this Court made in the Second Appeals warrants interference in the Review Applications.

3. Mr.O.R. Santhanakrishnan, learned counsel appearing for the Review Applicant, submitted that since it is an error apparent on the face of the record, this Court may interfere with the judgment and decree passed in the Second Appeals.

4. However, on a perusal of the judgment passed in the Second Appeals, it could be seen that this Court had categorically discussed the issue, now raised in the Review Applications, and therefore, the findings given by this Court with regard to Ex.B.2-Notice cannot be construed as an error apparent on the face of the record, warrants interference under Order 47 of the Civil Procedure Code.

5. Since the Review Applicant has not made out a case for reviewing the judgment and decree passed in the Second Appeals, I am of the view that the Review Applications deserve to be dismissed. Accordingly, both the Review Applications are dismissed. No costs.

11-07-2016

sr

Index:no
website:yes

Note: Issue Order copy on 18.07.2016

To

1. The Additional Subordinate Judge, Salem
2. The Principal District Munsif, Salem

M. DURAISWAMY,J.,

sr

Rev.Appln.Nos.91 & 92/2014

11-07-2016