

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **12.09.2016**

CORAM:

THE HONOURABLE MR.**JUSTICE K.K.SASIDHARAN**

C.R.P.(P.D.) No.2545 of 2016 and
CMP.No.13058 of 2016

B.Mohan

...Petitioner

Versus

Mannar

...Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 09.02.2016 made in I.A.No.202 of 2015 in O.S.No.21 of 2010 on the file of District Munsif Cum Judicial Magistrate at Thirukazhukundram.

For Petitioner : Ms.C.R.Rukmani

ORDER

This Civil Revision Petition is directed against the order dated 09.02.2016 made in I.A.No.202 of 2015 in O.S.No.21 of 2010, whereby and where under, the learned trial Judge dismissed the interlocutory application filed by the petitioner to recall the order dated 22.09.2010 made in I.A.No.94 of 2010.

2. Heard the learned counsel for the petitioner.

3. The factual matrix indicates that the trial Court granted an injunction in favour of the respondent by order dated 22.09.2010 in I.A.No.94 of 2010. The order was taken up in appeal by the petitioner before the Principal Sub-Court, Chengalpattu in C.M.A.No.15 of 2010. The appeal was dismissed. Thereafter, the petitioner filed civil revision petition before this Court in CRP (PD)No.3203 of 2011. The revision petition was dismissed on merits by order dated 01.04.2014. It is a matter of record that only thereafter the petitioner filed an application in I.A.No.202 of 2015 for recalling the order in I.A.No.94 of 2010.

4. The learned Judge rightly dismissed the application as not maintainable. In case, the petitioner was aggrieved on account of the so called fraud played by the respondent, he should have filed a petition to review the order passed by this Court in CRP No.3203 of 2011. When this Court has confirmed the order passed by the Trial Court, there is no question of filing a fresh petition before the Trial Court to recall the order. The learned Judge was therefore perfectly correct in dismissing the application.

5. In the up shot, I dismiss the Civil Revision Petition. No costs.
Consequently, connected miscellaneous petition is closed.

12.09.2016

Index:Yes/No
svki

To

The District Munsif Cum Judicial Magistrate at Thirukazhukundram.

K.K.SASIDHARAN, J.

(svki)

C.R.P.(P.D.) No.2545 of 2016

12.09.2016