

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2016

CORAM

THE Hon'ble Mr.JUSTICE M. DURAISWAMY

Review Application No.28 of 2016
and
CMP Nos.2147 and 4343 of 2016

Dr.Muthian Sivathanu

.... Petitioner

vs

Nalii Muthian

..... Respondent

Review Application filed under Order 47 Rule 1 of Civil Procedure Code read with Sec.114 of Civil Procedure Code to review the order dated 10.12.2015 made in CRP (NPD) No.4728 of 2014 against IA No.606 of 2014 in FCOP No.3835 of 2011 by the II Additional Principal Judge, Family Court, Chennai.

For petitioner : Mr.M. Sivathanu

ORDER

The petitioner in CRP (NPD) No.4728 of 2014, who is the husband of the respondent, has filed the above Review application to review the order, passed by this Court on 10.12.2015, in CRP (NPD)No.4728 of 2014.

2. The learned counsel appearing for the review applicant, who is the father of the petitioner, again argued that the order passed by the Hon'ble Supreme Court has not reached finality and in the findings given by this Court in the Civil Revision Petition, there is an error apparent on the face of the record, warranting interference in this review application.

3. This Court, while disposing of the Civil Revision Petition, has categorically held that the Order passed by the Hon'ble Supreme Court has reached finality. The Order passed by the Hon'ble Supreme Court in Civil Appeal No.8230 of 2013 dated 21.08.2013 was also considered by this Court and this Court had ultimately come to the conclusion that the order passed by the Hon'ble Supreme Court has

reached finality.

4. Even after the disposal of the Civil Appeal, the petitioner has filed a Review Application before the Hon'ble Supreme Court, which was also dismissed by the Apex Court on 12.12.2013. Though the Civil Appeal was disposed of by the Hon'ble Supreme Court on 21.08.2013, finding that the respondent/wife is entitled to maintenance at the rate, which was determined by the Family Court, so far, the petitioner has not paid a single pie to the respondent/wife. The grounds raised in the Review Application, do not come within the purview of Order 47 Rule 1 of Civil Procedure Code for entertaining the Review Application. The learned counsel for the petitioner only re-argued the matter, which is not permissible in the Review Application. Further, the Review Application is not meant for re-arguing the matter, which was disposed of by this Court on 10.12.2015. The learned counsel has not pointed out any error apparent on the face of the record, warranting interference under Order 47 Rule 1 of Civil Procedure Code.

M. DURAI SWAMY, J.,

sr

5. In these circumstances, I do not find any error apparent on the face of the record. The Review Application is liable to be dismissed and accordingly, the same is dismissed. Since the Review Application is dismissed by this Court today, the miscellaneous petitions are also closed.

23-03-2016

sr

Index:no
website:yes

To

II Additional Principal Judge, Family Court, Chennai.

Rev.APpln.No.28/2016