

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Rev.Appl.No.160 of 2017
in C.R.P.(NPD).No.3936 of 2008

Karunambigai

.. Petitioner

Vs.

1.Sevvel
2.Sivagami
3.Uma Shankar
4.Gangadharan
5.Indirani

.. Respondents

PRAYER: Review Application is filed under Order 47 Rule 1 and 2 read with Section 114 of C.P.C., to review the order dated 19.08.2009 made in C.R.P.(NPD)No.3936 of 2008.

For Petitioner

: Mr.T.Murugamanikkam
Senior Counsel
for Mr.V.Rajesh

For RR1 to 5

: Mr.P.Mani

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ORDER

The Review Application is filed to review the order dated 19.08.2009 made in C.R.P.(NPD)No.3936 of 2008.

2. The review petitioner is respondent in CRP.(NPD).No.3936 of 2008 and decree holder in O.S.No.369 of 1989 and R.E.P.No.30 of 2007. She obtained decree of declaration and permanent injunction. The review petitioner filed R.E.P.No.30 of 2007 for arrest of the respondents and detain them in the civil prison for violating the decree. Before the Executing Court, no oral evidence was let in by the review petitioner and respondents. The review petitioner marked four documents as Exs.A1 to A4. The Executing Court considering the materials on record and documents filed by the petitioner, held that the petitioner has not substantiated her contention that the respondents have violated the decree granted in O.S.No.369 of 1989. At the same time, the Executing Court appointed Advocate Commissioner to supervise the respondents at random for a period of one month.

3. Against the order passed in R.E.P.No.30 of 2007 in O.S.No.369 of 1989, the respondents herein filed CRP(NPD).No.3936 of 2008 before this Court. Considering the materials on records and order of the learned Judge, this Court allowed the Civil Revision Petition holding that the learned Judge exceeded his power by appointing Advocate Commissioner to supervise the respondents after holding that the petitioner has not proved that the respondents have violated the decree. Now the present review petition is filed by the review petitioner to review the said order.

4. The learned Senior Counsel appearing for the review petitioner contended that this Court while allowing the Civil Revision Petition set aside the order of appointment of Advocate Commissioner and dismissed R.E.P.No.30 of 2007 itself and it is an error apparent on the face of record. The learned Senior Counsel for the petitioner further contended that this Court having held that the Executing Court misconstrued the Judgment, ought to have remanded the matter to the Executing Court to consider R.E.P.No.30 of 2007 afresh on merits.

5. The ground on which the Review Application is filed to review the order dated 19.08.2009 in C.R.P.(NPD)No.3936 of 2008 is not valid ground.

6. It is well settled that the scope of the review is very limited and it is not an appeal or revision. The petitioner has no right to re-argue the matter on merits or raise any new plea now. The scope of review was considered by the Hon'ble Apex Court in a judgment reported in 2000 (6) SCC 224 [**Lilli Thomas and Others Vs. Union of India and Others**]. The review can be entertained only if there is any error on the face of the order.

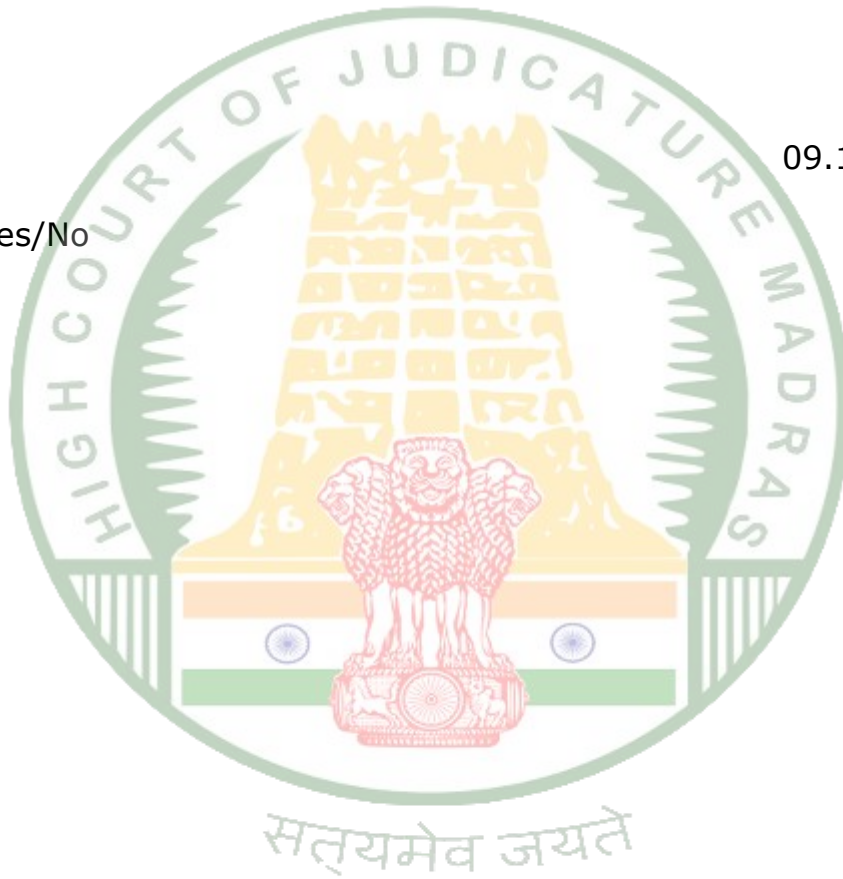
7. In the present case, this Court considering the impugned order passed by the Executing Court in R.E.P.No.30 of 2007 appointing Advocate Commissioner, allowed the Civil Revision Petition on the ground that when the Executing Court having held that petitioner failed to prove that the respondents had violated the decree, ought to have dismissed R.E.P.No.30 of 2007 and erred in appointing Advocate Commissioner to supervise the respondents for one month. In the circumstances, there is no error in the order passed by this Court and it does not warrant any interference to

reconsider the same. It is open to the petitioner to initiate further proceedings, if there is any violation by the respondents.

8. In the result, the Review Application is dismissed. No costs.

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Index: Yes/No
sji/kj



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V.M.VELUMANI,J.

sjj/kj



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