

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Review Application No.2 of 2011
in C.R.P(NPD).No.2261 of 2009
and M.P.No.1 of 2011
in Review Application No.2 of 2011

Arulmigu Mariamman Temple
Veerappan Chatram
Rep. By its defacto trustee
and worshipper R.Mathi
18/21, Devarayan Kadu
Kaveri Road, Veerampan Chatram,
Erode - 638 004.

..Review Petitioner

Vs.

1.M.Thangavel
2.Karuppayammal
3.Pavayammal
4.Arukkaniammal
5.Thangavel @ Thangamani

.. Respondents

PRAYER: Review Application filed under Order 47 Rule 1 Read with
Section 114 C.P.C to review the order of this Court dated
25.10.2010, made in C.R.P.(PD)No.2261 of 2009 on the file of this
Court.

For Petitioner : Mr.R.Bharath Kumar

ORDER

The review application is filed to review the order dated 25.10.2010 made in C.R.P.No.2261 of 2009 on the file of this Court.

2. The review applicant/plaintiff filed a suit in O.S.No.455 of 1992 against the respondents 2 to 4 for mandatory injunction. An order of mandatory injunction was issued on 25.04.2001. The petitioner filed an application in E.A under Section 47 C.P.C in the Execution Court, alleging that the first respondent is not an authority to represent the temple as hereditary trustee. The learned Judge, has rejected the same without numbering the said application. Against the said order dated 27.07.2009 made in C.F.R.No.6669 of 2009 in E.P.No.81 of 2005 in O.S.No.455 of 1992, the petitioner filed the C.R.P.No.2261 of 2009. This Court, by the order dated 25.10.2010, considering proceedings pending before the Commissioner of HR & CE Department and pendency of the suit and first appeal in A.S.No.780 of 2001 and injunction granted in favour of the first respondent and the fact that the review applicant has not taken any steps for hearing of both the Civil Revision Petition and first appeal together, dismissed the Civil Revision

Petition.

3. In the review application, the learned counsel appearing for the petitioner submitted that this Court has committed an irregularity in dismissing the Civil Revision Petition on the ground that the petitioner has not taken any steps for hearing of both the Civil Revision Petition and the First Appeal together. This Court, committed an error in not exercising the power in ordering the joint hearing of Civil Revision Petition and First Appeal. This contention of the learned counsel appearing for the review applicant based on the Hon'ble Apex Court reported in **AIR 1997 SC 1812** does not reveal that there is an error in the order sought to be reviewed. The learned counsel appearing for the review applicant is not entitled to reargue the matter on merits.

4. In the result, the Review Application is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

19.09.2017

Index: Yes/No
gsa

V.M.VELUMANI, J.

gsa



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