

## IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2017

CORAM:

**THE HONOURABLE MS.JUSTICE V.M.VELUMANI**

Review Application No.223 of 2011  
in C.R.P(PD).No.2682 of 2009  
& M.P.Nos.1 to 3 of 2012

1.Lakshmi Ammal  
 2.V.K.S.Raja @ Vel Prakash  
 3.Kamsalaveni  
 4.Karhikmani  
 5.Thareeswaran

..Review Petitioners

Vs.

1.M/s.Sun Beedi Traders, Jolarpettai,  
 Having its factory at Valatiyur,  
 Jolarpettai, Tirupattur Taluk,  
 Vellore District.  
 2.V.K.Sivakumar  
 3.Y.A.Yuvaraj  
 4.J.A.Ashokkumar  
 5.J.A.Raveendaran

.. 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  
 19.09.2011 made in C.R.P(PD).No.2682 of 2009 on the file of this  
 Court.

|                 |                                                |
|-----------------|------------------------------------------------|
| For Petitioners | : Mr.R.Margabandhu                             |
| For R1          | : No appearance                                |
| For R2, R3 & R5 | : M/s.S.Nandhini Devi<br>for M/s.R.Subramanian |
| For R4          | : Died                                         |

**ORDER**

The review application is filed to review the order dated 19.09.2011 made in C.R.P(PD).No.2682 of 2009 on the file of this Court.

2.The review petitioners are the respondents and respondents are the petitioners in the above Civil Revision Petition. The respondents herein filed the said Civil Revision Petition against the petitioners, challenging the order of the Trial Court allowing I.A.No.41 of 2008 under Order 22 Rule 3 and Section 151 of C.P.C to implead the petitioners as legal heirs of the deceased plaintiff, V.K.Subramani. The application in I.A.No.41 of 2008 filed by the petitioners was allowed by the Trial Court on the ground that deceased plaintiff V.K.Subramani and petitioners are living in the same address. This Court, considering the said finding of the learned Judge, allowed the Civil Revision Petition and set aside the order of the Trial Judge on the ground that petitioners have not produced any documents to substantiate their claim that they are the legal representatives of the deceased plaintiff, V.K.Subramani. The fact that the petitioners and deceased plaintiff, V.K.Subramani were living in same address is not sufficient to accept that

petitioners are legal representatives of deceased plaintiff V.K.Subramani. The present Review Petition is to review the said order.

3.The learned counsel for the petitioner has not pointed out any error in the order dated 19.09.2011, allowing C.R.P(PD).No.2682 of 2009. The contention of the learned counsel for the petitioner is that this Court ought to have remanded the matter to the lower Court, giving an opportunity to substantiate their case that they are the legal heirs of the deceased plaintiff, V.K.Subramani. This is not the valid ground to review the order. It is well settled that the power of Court in Review Petition is very limited and it is not an appeal. The Review Petitioner has no right to re-argue the matter. The review can be entertained only if there is an error apparent on the face of the order. In the present case, there is no error warranting interference to review the order passed by this Court.

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4.In the result, this Review Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Index: Yes/No  
gsa

**V.M.VELUMANI, J.**  
gsa



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