

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04-09-2017

CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

**Review Application No.9 of 2007
in
CRP.(NPD) No.301 of 2002**

1.Sethupathy
2.Mani @ Subramania Bharathy ... Petitioners

Vs

C.S.Jeevakumar ... Respondent

This Review Application is filed under XLVII Rule 1 of CPC to review the order of this Court dated 30.11.2006 made in CRP No.301 of 2002.

सत्यमेव जयते
For Petitioner : Mr.N.Premkumar

ORDER

This review application is filed to review the order of this Court dated 30.11.2006 made in CRP No.301 of 2002.

2. The petitioners are the judgment debtors and the

<http://www.judis.nic.in> respondent is the decree holder. The respondent filed EP No.60 of

2007 for execution of the decree dated 04.12.1991. The petitioners filed E.A.No.353 of 2000 under Section 47 of CPC contending that the EP is not executable and that they are acquitted in criminal case filed against them. The said EA was dismissed on 13.11.2001. Challenging the said order of dismissal made in E.A.No.353 of 2000, the petitioners filed CRP (NPD) No.301 of 2002. This Court, considering the various ground raised by the petitioners including the plea of lack of jurisdiction to Civil Courts to entertain and decide the claim that arises under Chit Transactions when Chit Company is a registered one. This Court considered the said plea and rejected the said contention and dismissed the Civil Revision Petition by order dated 30.11.2006.

3. To review the order of dismissal dated 30.11.2006 made in CRP (NPD) No.301 of 2002, the present Review Application has been filed by the petitioners.

4. In the present Review Application, the learned counsel for the petitioner submitted that the plea of jurisdiction can be raised at any stage including in execution proceedings and contended that this Court committed an error in dismissing the CRP on the ground that the petitioners ought to have raised the plea of jurisdiction at earlier stage and committed an error in not

considering the fact that the Chit Fund was a registered one.

5. This Court, considered the submissions of the learned counsel for the petitioners with regard to lack of jurisdiction and held that the two judgments relied on by them are not applicable to the facts of the case. There is no error apparent in the said order warranting interference by this Court to review the same.

6. It is well settled law that the power of the Court is very limited while considering the review petition. Only when there is an error apparent on the face of the record, earlier order can be re-considered. A review petition is not an appeal and in the guise of review, cannot re-argue the matter on merits.

7. In the result, this Review Application is dismissed. No costs.

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04.09.2017

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V.M.VELUMANI, J.

rgr



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