

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.09.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Review Application No.135 of 2009
in C.R.P.(NPD).No.3253 of 2008
and M.P.No.1 of 2009 in Rev.Appl.No.135 of 2009

1.Sautha
2.Anwar Basha
3.Haja Mohideen
4.Allauddin

.. Petitioners

Vs.

1.The Tamil Nadu Wakf Board
rep. by its Chief Executive Officer
No.1 Jaffar Serang Street,
Chennai 600 001.

2.Mohideen Thhambi
The Muthavalli
Erathaikulam Pallivassal
Kayalpattinam

3.Asgar Ali
4.Salauddin
5.Sheriff
6.Zeenath

.. Respondents

PRAYER: Review Application filed under Order 47 Rule 1 read with Section 114 of C.P.C, to review the order dated 30.03.2009 made in C.R.P(NPD).No.3253 of 2008 and consequently direct the 1st respondent to complete the sale transaction of the property

situated at No.11, Malayappan street, Chennai 600 001 as per the previous resolution dated 08.03.1995.

For Petitioner : Mr.M.N.S.Mohamed Habeeb Raja

For R1 : Mr.V.Lakshminarayan

For R2 : No appearance

For R3 to R6 : No appearance

ORDER

The present review application is filed to review the order dated 30.03.2009 made in C.R.P(NPD).No.3253 of 2008 and consequently direct the 1st respondent to complete the sale transaction of the property situated at No.11, Malayappan street, Chennai 600 001 as per the previous resolution dated 08.03.1995.

सत्यमेव जयते

2. Petitioner filed the C.R.P.(NPD).No.3253 of 2008, challenging the order dated 25.02.2008 made in O.A.No.2 of 2004, on the file of Wakf Tribunal Judge First Assistant Judge, City Civil Court, Chennai. The said civil revision petition was dismissed on the ground that A.Mohideen failed to deposit bid amount of

Rs.6,50,000/- along with Rs.61,000/- being the amount offered as donation by him within the time limit offered by the first respondent. In view of the same, the sale in favour of the said A.Mohideen was cancelled.

3. The petitioners, who are the legal heirs of the said A.Mohideen filed O.A.No.2 of 2004 on the file of the Wakf Tribunal/First Assistant Judge, City Civil Court, Chennai. The said O.A was dismissed by the order dated 25.02.2008, subject to second respondent's right to alienate the petition mentioned property with approval of first respondent for a reasonable price. The petitioners challenged the order made in O.A.No.2 of 2004 by filing C.R.P(NPD).No.3253 of 2008. This Court, by the order dated 30.03.2009, dismissed the civil revision petition on the ground that A.Mohideen, who was present in first respondent premises failed to pay the bid amount and donation offered by him within time limit granted by the first respondent. The contention of the learned counsel for the first respondent in civil revision petition that the said direction was not communicated to the said A.Mohideen was rejected by this Court and the civil revision petition was dismissed.

V.M.VELUMANI, J.

gsa

4. The review petitioners sought review of the said order based on the contentions, on merits. It is well settled that the scope of the review is very limited and in review petition, the review petitioners are not entitled to re-argue the matter on merits, based on the new facts, as review is not an appeal. The grounds raised by the petitioners are not valid ground for reviewing the order, as there is no error in the order sought to be reviewed.

5. In the result, the review application is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

सत्यमेव जयते

WEB COPY

06.09.2017

Index : Yes/No
gsa

Review Application No.135 of 2009
in C.R.P.(NPD).No.3253 of 2008