

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.08.2017

CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Review Application No.3 of 2009
in
C.R.P.(PD) No.601 of 2007

M/s. Vinod Foreign Liquor,
a registered firm rep. by its
Managing Partner,
Sri O.P. Sivadasan,
S/o. Late Sankaran Nair,
Main Road, Mahe,
Pondicherry

... Applicant /
Petitioner

Vs.

1. Union of India rep. by Chief Secretary,
Government of Pondicherry,
Pondicherry.

2. The Secretary to Government,
Revenue Department,
Pondicherry.

3. The Deputy Commissioner of Excise,
Mahe.

... Respondents/
Respondents

Prayer: Review Applications are filed under Order 47 Rule 1 and 2
r/w. Section 114 of CPC to review the order made in C.R.P. (PD)
No.601 of 2007 dated 06.03.2007 and to allow the said Civil
Revision Petition.

For Petitioner : Mr.V.B.Perumal Raj

ORDER

This Review Application is filed by the petitioner to review the order passed in C.R.P. (PD) No.601 of 2007 dated 06.03.2007.

2. The petitioner has filed the said C.R.P.No.601 of 2007 against the order dated 06.09.2006 made in I.A.No.303 of 2006 in O.S.No.17 of 2005 filed by the respondents herein to condone the delay of 28 days in filing the petition to set aside the exparte decree dated 05.06.2006.

3. According to the petitioner, he filed the suit in O.S.No.17 of 2005 for recovery of money against the respondents for damages. The respondents herein have filed written statement. Subsequently, they did not appear and contest the said suit. The suit was decreed exparte. The respondents filed I.A.No.303 of 2006 to condone the delay of 28 days in filing the petition to set aside the exparte decree dated 05.06.2006 passed in O.S.No.17 of 2005. The said Interlocutory Application was allowed on 06.09.2006.

I.A.No.303 of 2006, the petitioner filed C.R.P.No.601 of 2007. According to the petitioner, the respondents have not explained the delay of 28 days and has not given any sufficient reason for condoning the delay. However, this Court, by order dated 06.03.2007 dismissed the C.R.P.No.601 of 2007 against the present review petitioner.

5. From the records, it is seen that this Court, on being convinced with the reasons assigned by the respondents for non appearance of their counsel before the trial Court and the delay was properly explained by the respondents in the affidavit filed in support of the petition, had dismissed the Civil Revision Petition. In these circumstances, there is no error apparent on the face of the record in the order passed by this Court in C.R.P. (PD) No.601 of 2007 dated 06.03.2007.

6. It is well settled that review application is not an appeal. The petitioner cannot re-argue the matter in the review application. Accordingly, the Review Application is dismissed. No Costs.

31.08.2017

Index: Yes/No

V.M.VELUMANI,J.

rsi/rka



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