

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Review Application No.58 of 2009
in C.R.P.(PD).No.1821 of 2008
and M.P.No.1 of 2009
in Review Application No.58 of 2009

The Superintendent,
Regulated Market Committee,
Vellakovil,
Kangeyam Taluk,
Erode District.

.. Petitioner

Vs.

1.Erode Mavatta Desiya Sumai
Thookkuvor Thozhilalar Sangam,
Rep. by its President/Representative
K.C.Veerakumar,
Regulated Marketting Committee,
Vellakovil,
Erode District.

2.The President,
Erode Mavatta Sumai Thookkuvor
Thozhilalar Munettra Sangam,
Vellakovil, Erode District.

.. Respondents

PRAYER: Review Application filed under Order 47 Rule 1 and 2
read with Section 114 of C.P.C, to set aside the order passed in
CRP.No.1821/2008 dated 27.02.2009 made by this Hon'ble
Court.

For Petitioner : No appearance

For R1 : Mr.N.Manokaran

For R2 : Mr.V.Ragavachari

ORDER

The present review application is filed to review the order dated 27.02.2009 made in CRP.(PD).No.1821/2008 on the file of this Court.

2. The review petitioner is first defendant, first respondent is the plaintiff and second respondent is the second defendant in O.S.No.106 of 2008. The first respondent filed the said suit for permanent injunction against the petitioner and the second respondent. The first respondent also filed I.A.No.444 of 2008 for temporary injunction. In the said application, the petitioner was not made as a party respondent. The petitioner filed I.A.No.552 of 2008 in I.A.No.444 of 2008 in O.S.No.106 of 2008 to implead the petitioner as second respondent in I.A.No.444 of 2008. The said application was dismissed on 16.04.2008 on the ground that already an application was filed by the petitioner in I.A.No.476 of 2008 for the very same relief was dismissed and therefore the present application is not maintainable.

3. Challenging the said order dated 16.04.2008, the petitioner has filed the CRP.(PD).1821 of 2008. In the civil revision petition, plea was raised by the petitioner that the suit itself is not maintainable. In view of such plea being taken, this Court directed the Trial Court to dispose the suit within a period of four months from the date of receipt of a copy of the order passed in CRP.(PD).No.1821 of 2008 and if necessary, directed the Trial Court to conduct the trial on day to day basis after giving sufficient opportunity to both sides.

4. The petitioner has filed the present review application to reconsider the said order dated 27.02.2009 made in C.R.P(PD).No.1821 of 2008.

5. When the matter was taken up for hearing on 05.09.2017, there was no representation for the petitioner. Subsequently, a counsel represented the counsel on record for petitioner and sought for adjournment. At his request, the matter was adjourned today. Today also, there is no representation for the petitioner.

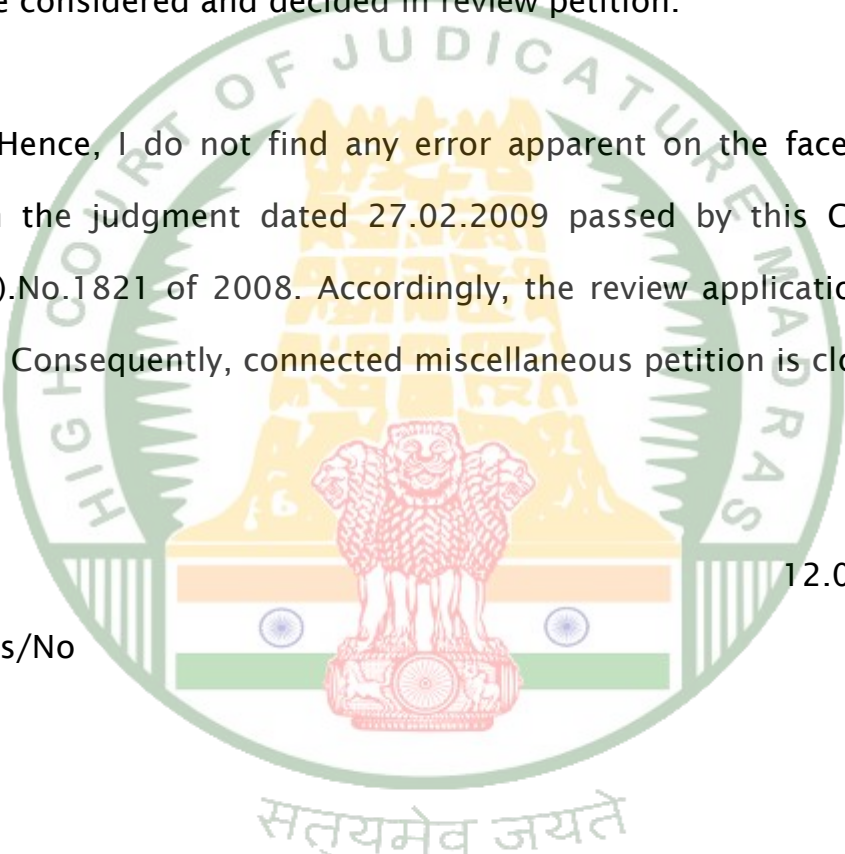
6. When the review petition is taken up for hearing, the learned counsel appearing for the first respondent/plaintiff submitted that the suit itself was dismissed. In the grounds of review petition, the

petitioner has raised grounds on merits and submitted that this Court has got power to strike of the plaint under Article 227 of the Constitution of India when it was brought to the notice of this Court that suit is not maintainable and abuse of process of Court. This issue cannot be considered and decided in review petition.

7. Hence, I do not find any error apparent on the face of the record in the judgment dated 27.02.2009 passed by this Court in C.R.P.(PD).No.1821 of 2008. Accordingly, the review application fails. No costs. Consequently, connected miscellaneous petition is closed.

Index: Yes/No
dh/gsa

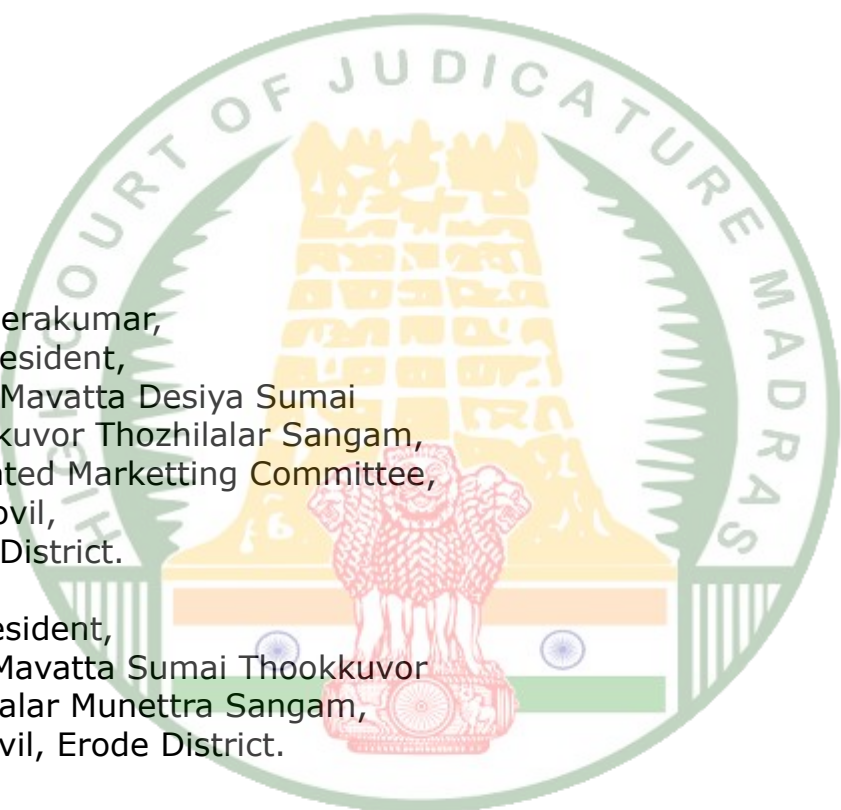
12.09.2017

The seal of the High Court of Judicature at Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital on top. Below the lion capital is the Indian national flag (saffron, white, and green horizontal stripes with a blue wheel in the center). The words "HIGH COURT OF JUDICATURE MADRAS" are written in a green circular border around the central image. At the bottom, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

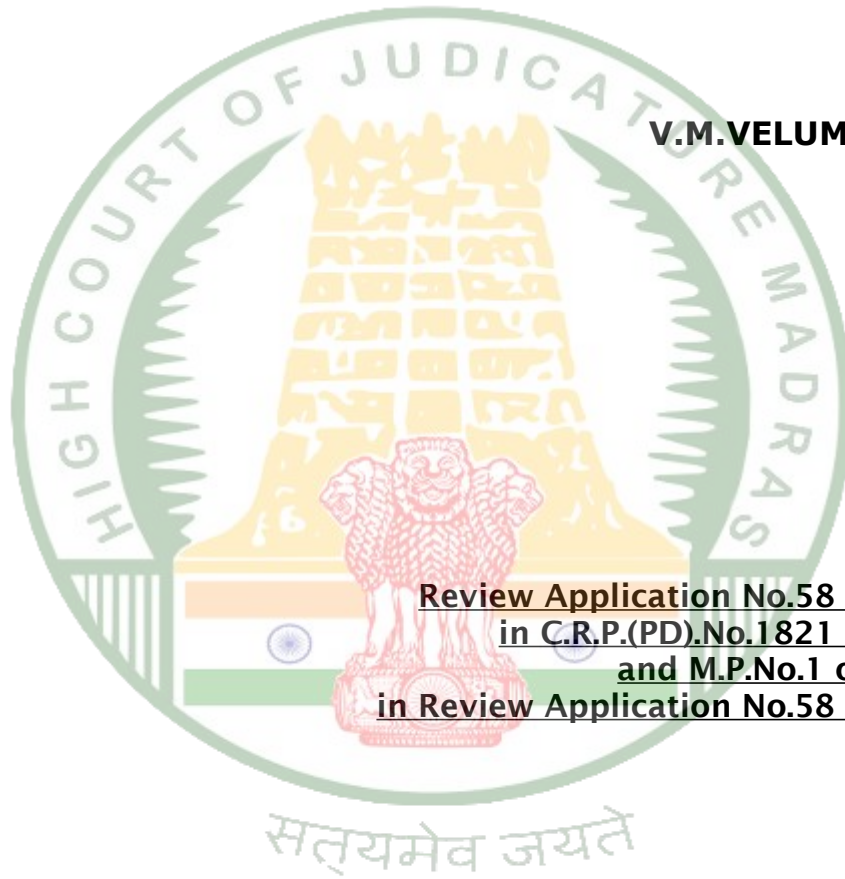
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To

1. K.C.Veerakumar,
The President,
Erode Mavatta Desiya Sumai
Thookkuvor Thozhilalar Sangam,
Regulated Marketting Committee,
Vellakovil,
Erode District.
- 2.The President,
Erode Mavatta Sumai Thookkuvor
Thozhilalar Munettra Sangam,
Vellakovil, Erode District.

The seal of the Madras High Court of Judicature is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital in front of it. The text "HIGH COURT OF JUDICATURE MADRAS" is written in a green circle around the central image. Below the seal, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

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V.M.VELUMANI, J.
dh

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