

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2017

CORAM

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Review Application No.134 of 2017
in C.R.P(NPD). No.3102 of 2008
and C.M.P.Nos.15314 & 15315/2017
in Rev.Appl.No.134 of 2017

1.Mohanasundaram

2.K.Ramasamy

..Petitioners

Vs.

1.Damodaran Dharmasthapanam
Through its Managing Trustee,
M.D.Balasubramaniam,

2.B.Somasundaram

3.R.Balamanikandan

..Respondents

PRAYER: Review Application filed under Order 47 Rule 1 read with Section 114 of C.P.C, to review the order dated 21.10.2008 passed in C.R.P.(NPD).No.3102 of 2008 on the file of this Court.

For Petitioner : Mr.M.Venkatachalapathy,
(Senior Counsel)
for Mr.M.Sriram

ORDER

The present review application is filed to review the order dated 21.10.2008 passed in C.R.P(NPD).No.3102 of 2008.

2. The petitioners are third parties to the proceedings in the Trust O.P.No.391 of 2007 on the file of the District Court, Coimbatore as well as in the civil revision petition. The first respondent Trust filed the said O.P.No.391 of 2007 for permission to sell the property. By the order dated 23.06.2008, the learned Principal District Judge, Coimbatore dismissed the said O.P on the ground that there is no necessity for the Trust to sell the property.

3. The first respondent filed the above civil revision petition challenging the said order. This Court, by order dated 21.10.2008, allowed the civil revision petition, considering all the materials on record. One A.Moorthy filed S.L.P.No.Nil of 2009 against the order dated 21.10.2008 made in C.R.P.(NPD).No.3102 of 2008. The said SLP was dismissed by the Hon'ble Apex Court on 31.08.2009. The petitioners have come out with the present review petition to review the order of this Court dated 21.10.2008 made in C.R.P.(NPD).No.3102 of 2008.

4. The petitioners stated that except prospective purchasers, the respondents 2 and 3, no other persons were impleaded as party in the Trust O.P. According to the petitioners, the petitioners are interested parties in the locality. As per the partition deed, the property must be used for running a school. If the Trust is unable to run the school, they

must hand over the same to the Corporation or to the Education Authority to run the school. This Court erred in allowing the civil revision petition on the ground that there was no objection received from the public.

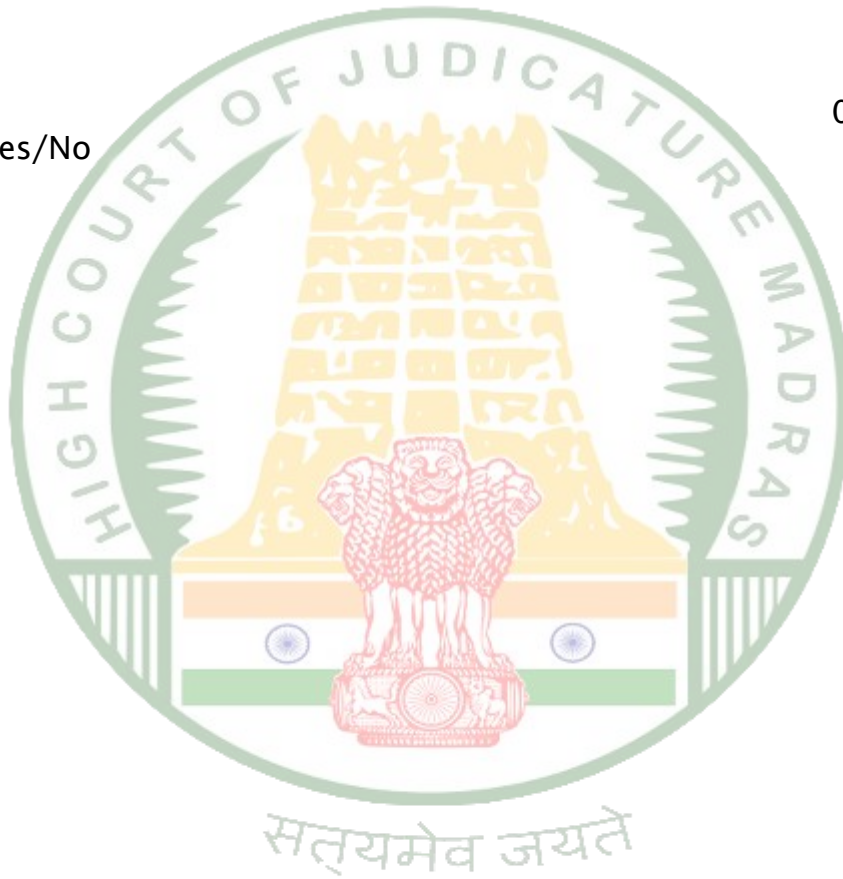
5. The learned Senior counsel argued the matter on merits. The scope of the review petition is very limited and review petitioner is not entitled to reargue the matter or argue the matter putting forth new grounds. The contention of the learned Senior Counsel appearing for the petitioner that this Court erred in allowing the civil revision petition on the ground that public have not objected the sale of the property is without merits. This Court has considered that paper publication effected in 'Dhinamalar' in its Coimbatore edition dated 17.08.2007 and no objection was received from the public for sale of the property. The petitioners who are claiming to be resident of the locality had not objected at that time. Considering the grounds on which civil revision petition was allowed, I find there is no error on the face of record warranting reconsideration of the said order.

6. Further, the order of this Court dated 21.10.2008 was challenged in SLP (Civil)...../2009 (C.C.No.12174 of 2009) before the Hon'ble Apex Court by A.Moorthy and the Hon'ble Apex Court dismissed the SLP holding that there is no reason to interfere with the order of this

Court. The judgment of the Hon'ble Apex Court is binding on this Court and cannot be interfered. The review application is dismissed and consequently, connected civil miscellaneous petitions are closed. No costs.

Index : Yes/No
gsa

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V.M.VELUMANI,J.

gsa



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