

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Review Application No.203 of 2017
in C.R.P(NPD).No.4408 of 2010

A.O.Rangasamy

..Review Petitioner

Vs.

1.South India Viscose Employees House
Building Society Ltd., rep. By its President
A.Muthusamy
Sirumugai, Mettupalayam Taluk
Coimbatore District.

2.A.O.Arumugam

3.Subbammal

4.Mangammal

5.Vijayalakshmi

6.M.Rathinasamy

7.N.Samiappan

8.N.Rangasamy

9.N.Bharathi

10.Gowri

11.P.Amutha

12.Padmashree

Minor rep. By mother & Natural

Guardian, P.Amutha

.. Respondents

PRAYER: Review Application filed under Order 47 Rule 1 Read with Section 114 C.P.C to review the order of this Court dated 07.03.2012, made in C.R.P.(NPD).No.4408 of 2010 and allow the Civil Revision Petition by set aside the order dated 18.09.2010 made in E.A.No.20 of 2007 in E.P.No.89 of 2004 in O.S.No.46 of 1996 on the file of the District Munsif, Mettupalayam.

For Petitioner : Mr.R.Thanjan
For R1 : Mr.S.Kadarkarai
For R2 to R6 & R11 : No appearance
For R7 to R10 & R12 : Not ready in notice

ORDER

The review application is filed to review the order dated 07.03.2012, made in C.R.P.(NPD).No.4408 of 2010 on the file of this Court.

2.The Review Petitioner is the petitioner in C.R.P.(NPD).No.4408 of 2010 and judgment debtor in E.A.No.20 of 2007 in E.P.No.89 of 2004 in O.S.No.46 of 1996 on the file of the District Munsif, Mettupalayam. The first respondent filed the said suit for specific performance of agreement of sale. The suit was decreed, as prayed for by the judgment and decree dated 30.08.2000. The first respondent filed E.P.No.89 of 2004 to execute the decree. In the E.P, the respondent filed E.A.No.20 of 2007 under Section 47 of Civil Procedure Code, contending that the decree is inexecutable as first respondent Society/decreed holder has become inactive and defunct. The said E.A.No.20 of 2007 was dismissed. The petitioner filed the above C.R.P.No.4408 of 2010. This Court,

by the order dated 07.03.2012, dismissed the Civil Revision Petition on the ground that the Review Petitioner failed to substantiate his case that first respondent/decreed holder has become defunct. Now, the petitioner has come out with the present Review Petition to review the said order on the ground that Sub Registrar, Mettupalayam registered the sale deed in the name of "Annadasampalaiyam South India Viscose India Ltd., Employees Housing Association represented by its President V.Veerarahavan", i.e., an entirely a different association, while the decreed holder is the "South India Viscose Employees House Building Society Limited, Represented by its President, A.Muthusamy, Sirumugai, mettupolayam Taluk, Coimbatore District." According to the petitioner, he gave representation to the Registrar General, Chennai and the Registrar General, Chennai have also directed the District Registrar, Coimbatore to take action on the complaint against the Sub-Registrar, Mettupalayam. No action was taken. The petitioner filed W.P.SR.No.95653 of 2012 and this Court, dismissed the said Writ Petition at the admission stage, directing the petitioner to file Review Petition in the Civil Revision Petition. The learned counsel for the Review Petitioner contended that the petitioner has produced G.O.No.4 dated 25.01.2006 to show that first respondent has become defunct. In spite of the same, this Court dismissed the Civil

Revision Petition.

3.From the order of this Court dated 07.03.2012, made in C.R.P(NPD).No.4408 of 2010, it is seen that the said Civil Revision Petition was dismissed on the ground that the Review Petitioner failed to substantiate his contention that first respondent has become defunct. This Court, considered G.O.No.4 dated 25.01.2006 and rejected the contention of the Review Petitioner that the first respondent has become defunct. The learned counsel for the Review Petitioner is re-arguing the matter on merits and also putting forth a new plea. It is well settled that the power of Court in Review Petition is very limited and it is not an appeal. The Review Petitioner has no right to re-argue the matter. The review can be entertained only if there is an error apparent on the face of the order. In the present case, there is no error warranting interference to review the order passed by this Court.

4.In the result, this Review Petition is dismissed. No

costs.

10.11.2017

Index: Yes/No

gsa

V.M.VELUMANI, J.

gsa



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