



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.11.2014

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

REV.APLC (MD) No.159 of 2014
in
C.R.P. (MD) NO.1950 of 2014
and
M.P. (MD) No.1 of 2014

Glory Reginal

... Review Petitioner/Petitioner

Vs.

1. Vallinayagam @ Ravi
2. Anbalagan

... Respondents/Respondents

Prayer: Review Petition has been filed under Order 47 Rule 1 of the Code of Civil Procedure to review the order dated 16.09.2014 passed in C.R.P. (NPD) (MD) No.1950 of 2014 on the file of this Court.

Prayer in CRP(MD). 1950/ 2014 :

Civil Revision Petition is filed under Section 115 of Civil Procedure Code, against the fair and decreetal order dated 23.07.2014 made in I.A.No.167 of 2014 in O.S.No.64 of 2002 on the file of Principal Sub-Court, Nagercoil.

For Petitioner : Mr.V.Meenakshi Sundaram

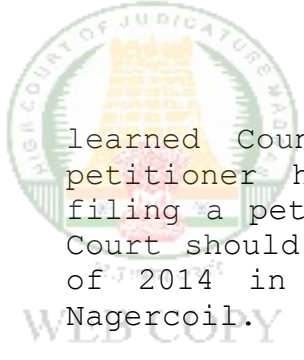
For Respondents : Mr.D.Saravanan

ORDER

The review petitioner has filed the above review application to review the order of this Court dated 16.09.2014 passed in C.R.P. (NPD) (MD) No.1950 of 2014.

2. Heard the learned Counsel for the petitioner and the learned Counsel for the respondents.

3. The learned Counsel for the petitioner submitted that since the review petitioner has not received any notice from the trial Court, after heard the learned Counsel on record, who has stated no instructions, this Court ought to have taken into consideration the said aspect and given an opportunity to the revision petitioner to contest the suit. Further the



learned Counsel for the petitioner submitted that when the revision petitioner has satisfactorily explained the reasons for the delay in filing a petition to set aside the exparte decree dated 30.01.2013, this Court should have set aside the fair and final order passed in I.A.No.167 of 2014 in O.S.No.64 of 2012 on the file of the Subordinate Court, Nagercoil.

4. On a perusal of the grounds of Civil Revision Petition, it could be seen that the first contention raised by the review applicant was not raised. When the said aspect was not raised in the ground of revision and argued before the learned Judge, the learned Judge had no occasion to take into consideration the said aspect. The said issue is being raised for the first time in the review application, which cannot be allowed.

5. It is settled position that on the guise of filing review application, a party cannot be allowed to re-argue the revision as fresh. The review application is not an appeal in guise. The learned Judge has taken into consideration the entire materials available on record and dismissed the Civil Revision Petition. The scope of the review application under Order 47 Rule 1 of the Code of Civil Procedure is very limited and unless an error apparent on the face of the record has been pointed out by the review applicant, this Court cannot interfere in the order passed by this Court in the review application. Since the review petitioner failed to establish or point out any error apparent on the face of the record, the review petition is liable to be rejected.

6. Accordingly, the review application is dismissed. Consequently, the connected Miscellaneous Petition is also dismissed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

The Principal Subordinate Judge, Nagercoil.

+1cc to Mr.R.Murugan,Advocate in SR.No. 61251

+1cc to Mr. D.Saravanan,Advocate in SR.No. 61274

TS/21.11.2014/2P-4C

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