

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Review Application No.6 of 2015
in
C.R.P.(PD)No.4473 of 2014

1. Bhuvanagiri Varthagar Sangam
@ Boorasamy varthagar Sangam,
Bhuvanagiri represented by the
President R.sriraman
No.167E, Bazaar Street,
Bhuvanagiri,
Chidambaram Taluk.
 2. R.Sriraman ...Applicants
- vs.
1. Bhuvanagiri Varthagar Sangam,
represented by its Secretary,
A.C.P.Rathina Subramaniyan
Bhuvanagiri,
Chidambaram Taluk.
 2. Ponnachi Ammal
 3. Ramathilagam
 4. Vasantha
 5. Vijayalakshmi
 6. Rukmani
 7. R.Pattabiraman

WEB COPY

8. Navamani

9. Padmavathi

10. Dharani

(Notice R2 to 10 given up)

... Respondents

Review Application filed under Order 47 Rule 1 read with Section 114 of C.P.C. against the order passed by this Court dated 28.1.2014 in C.R.P.(PD).No.4473 of 2014.

For Applicants : Mr.A.Thiyagarajan

ORDER

This Review Application is filed seeking to review the order passed by this Court in C.R.P.(PD).No.4473/2014 dated 28.11.2014.

2. The applicants in this review are the petitioners in the above Civil Revision Petition where they challenged the order of the learned Principal District Munsif, Chidambaram, made in I.A.No.312 of 2014 in O.S.No.165/2004 dated 08.10.2014 in ordering joint trial of two suits in O.S.No.31 of 2004 and O.S.No.165 of 2004

3. This Court, after hearing the learned counsel for the petitioners dismissed the Civil Revision Petition. Now, the present review is filed seeking to review the order of dismissal passed in the above Civil Revision Petition.

4. Learned counsel for the petitioner contended that when the District

Court, while transferring the suit in O.S.No.31 of 2004 to the file of Principal District Munsif Court, Chidambaram, to be tried along with O.S.No.165 of 2004, has specifically directed the District Munsif to try the suits simultaneously, the learned District Munsif ought not to have allowed the application filed subsequently for joint trial. Therefore, the learned counsel contended that instead of joint trial, the District Munsif should be directed to conduct the trial of both the suits simultaneously.

5. The very same contentions were already raised at the time of hearing the Civil Revision Petition. This Court did not accept such contention and rejected the Civil Revision Petition. Once again, the very same contentions are raised now by way of review, which is nothing but an attempt to re-argue the matter on merits, cannot be permitted as the scope of review jurisdiction is very limited. Even otherwise, when the District Munsif has noted that even though the parties to the proceedings are different in both the suits, the main issue which could be decided is the dispute between the parties to the proceedings is one and the same, nothing wrong in ordering for joint trial, as ordered by the learned District Munsif which has been confirmed by this Court. Learned counsel for the petitioners seeks to harp upon the word 'simultaneously' found in the order passed by the District Court while transferring the suit from one Court to another Court. Needless to say that after the said order was passed in the year 2008 and when the suits were listed

before the District Munsif Court, an application was filed in the year 2014 seeking for joint trial and therefore, considering the facts and circumstances, the District Munsif Court has allowed such application. When such being the position, the learned counsel for the petitioners is not justified in harping upon the word 'simultaneously'. In any event, the word 'simultaneously' can also be construed as a joint trial. Considering all the facts and circumstances I do not find any ground to review the order already passed. As a last submission the learned counsel for the petitioner submitted that the trial Court may be directed to dispose of both the suit within the time frame. Accordingly, the review application is dismissed as not maintainable.

6. The learned District Munsif is however directed to dispose of both the suits within a period of six months from the date of receipt of a copy of this order. No costs.

25.06.2018

Speaking/Non-speaking order

Index : Yes / No

vsi

WEB COPY

K.RAVICHANDRABAABU,J.

vsi



Review Application No.6 of 2015

WEB COPY

25.06.2018