

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.10.2018

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Review Application No.225 of 2018

against

C.R.P(PD)No.2832 of 2017

1. Rajkumar Mehta

2. Chandra A.Mehta

3. Rajashree N.Mehta

4. Shashikala R.Mehta

5. Naresh S.Mehta

...Petitioners

Vs.

Renuka Devi

... Respondent

Prayer: The Review Petition filed under **order 47 Rule 1 and 2 read with Section 114 of C.P.C.** to review order made in C.R.P.(PD) No.2832 of 2017, dated 02.07.2018.

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For Petitioners : Mr.Sathiyaseelan

For Respondent : Mr.T.V.Ramanujam for
Mr.V.P.Sengottuvel

ORDER

This Review Application filed to review the order passed by this Court dated 02.07.2018. in C.R.P.(PD) No.2832 of 2017.

2. The review petitioners had filed the Civil Revision petition in C.R.P.(PD)No.2832 of 2017, invoking the Article under Article 227 of the Constitution of India to strike out the plaint in the suit in O.S.No.183 of 2017, on the file of the learned District Munsif Court, Chengalpattu. This Court, after hearing both parties, passed a detailed order on merits dismissing the Civil Revision Petition. The petitioner has filed this Review Application praying this Court to review the order passed on 02.07.2018, on the ground that this Court has ignored to consider certain vital points raised by the petitioner in the Civil Revision Petition.

3. The learned counsel for the petitioners submitted that the main ground raised in the Civil Revision Petition is that there was an earlier suit filed by the respondent in O.S.No.129 of 2011 and allowed to be dismissed as not pressed. According to the petitioner, subsequent suit in O.S.No.183 of 2017 is hit by suppression of

material facts. According to the learned counsel for the petitioner the issue of vexatious suit or abuse of process of Court can be raised as one of the grounds to request the Court to strike off the plaint.

4. Heard both sides and perused the materials available on record.

5. This Court has extensively dealt with the issued raised by the petitioner.

6. Order 6 Rule 16 of C.P.C. enables or permits either of the parties to request the Civil Court to strike out the pleadings, if the pleading is vexatious or abuse of process of Court. The petitioner has not exhausted his remedy available before the Court below and has rushed to this Court invoking under Article 227 of Constitution of India. This Court has also extracted the judgment of the Hon'ble Supreme Court reported in 1970(1) SCC 761 in the name of Vallabh Das Vs. Dr.Madan Lal and others. In the present case on hands also the suit in O.S.No.129 of 2011 on the file of the learned District Munsif, Chengalpattu was dismissed as not pressed.

7. A Review is a rare remedy and a Review is not an appeal in disguise, whereby an erroneous decision is reheard and corrected. It should be entertained only if error is apparent on the face of the record and not one which has to be searched. There are catena of decisions on the point that the petitioner cannot retake the issues raised in the original petition. If the petitioner is aggrieved by the order of this Court, he is at liberty to challenge before the appropriate forum.

8. For the foregoing reasons, the Review Application is dismissed.

29.10.2018

Index : Yes/No

Speaking order/non speaking order

rli

To

The District Munsif Court,
Chengalpattu

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P.VELMURUGAN, J.,

rli



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