

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Review Application No.96 of 2013
and
M.P.No.1 of 2013
in
C.R.P.(PD)No.21 of 2011

1. A.Mohammed Sulaiman

2. A.Mohammed Sulthan

...Applicants

vs.

1. A.Ameena Beevi (Died on 29.12.2010)

2. S.Gulsim Beevi

3. Jahir Hussain

4. Jeenath Begum

... Respondents

Review Application filed under Order 47 Rule 1 & 2 read with Section 114 of C.P.C. against the order of this Court dated 22.03.2013 in C.R.P.No.21 of 2011.

For Applicants : Mr.P.Valliappan

ORDER

This Review Application is filed seeking to review the order passed in C.R.P.(PD).No.21 of 2011 dated 22.03.2013.

2. The review applicants are the petitioners in the Civil Revision Petition. This Court, after considering all the facts and circumstances and the submissions made by both sides, passed an elaborate order, dismissing the Civil Revision Petition as devoid of merits. Now, the present Review Application is filed by raising very many grounds. Perusal of the same would only indicate that the petitioners, under the guise of seeking review of the order already passed, are only making an attempt to re-argue the matter once again on merits by raising the contentions already raised at the time of hearing the Civil Revision Petition.

3. Mr.P.Valliappan, learned counsel for the applicants contended that a counter claim in a suit cannot be entertained between the defendants as the same would amount to *interse* dispute and therefore, he submitted that the order passed in the Civil Revision Petition has to be reviewed. In fact, such contention was considered by this Court at paragraph No.18 of the order. Needless to state that the scope of review is very limited, as no party is entitled to re-argue the matter once again on merits by raising the contentions already raised under the guise of seeking review of the order. If it is

permitted, it would amount to either reopening the matter once again for hearing afresh or considering the order under review as an appellate forum, as both are impermissible while invoking the power of review.

4. Learned counsel for the petitioner also submitted that the parties are not affordable to approach the Honourable Supreme Court to challenge the order passed in the Civil Revision Petition. Certainly, financial incapacity of a party to approach the appellate forum cannot be a ground to seek review. Therefore, upon considering all the above stated facts and circumstances, I am of the firm view that this Review Application is totally misconceived as the grounds raised herein do not make out a case for review, as the same do not fall within the ambit and purview of Order 47 Rule 1 of Civil Procedure Code. Therefore, this Review Application is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

25.06.2018

Speaking/Non-speaking order

Index : Yes / No

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K.RAVICHANDRABAABU,J.

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