



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.04.2019

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

REV. APLC. (MD)No.92 of 2018

in

C.R.P. (MD) .No.2163 of 2017

I.Dhanabal

.. Petitioner/Petitioner/Defendant

Vs.

R.Sakaraipandi

.. Respondent/Respondent/Plaintiff

PRAYER : Review Application filed under Order 47 Rule 1 of the Civil Procedure Code, against the order dated 17.04.2018 passed in C.R.P.(MD)No.2163 of 2017 on the file of this Court.

Prayer in CRP(MD). 2163/ 2017 :

Civil Revision Petition filed under Article 227 of the Constitution of India against the order in I.A.No. 329 of 2017 in O.S.No. 20 of 2014 dated 12/07/2017 passed by the learned VI Additional District Judge, Madurai.

For Petitioner : Mr.G.R.Inbaraj

For Respondent : Mr.T.C.S.Thillainayagam

ORDER

This review application has been filed by the revision petitioner / defendant as against the order, dated 17.04.2018, passed by this Court in C.R.P.(MD).No.2163 of 2017.

2. The petitioner / plaintiff has filed a suit in O.S.No.85 of 2015 for recovery of money based on 10 pro-notes. During the pendency of the same, he has filed an application before the trial Court seeking to frame additional issues and the said petition was dismissed by the trial Court. Aggrieved over the same, the petitioner / defendant filed the Civil Revision Petition before this Court. This Court, by order dated 17.04.2018, dismissed the Civil Revision Petition holding that it is a clear abuse of process of the Court and imposed cost of Rs.10,000/- on the petitioner / defendant. Seeking to review the said order, the petitioner / defendant filed this review petition.

3. The learned counsel appearing for the review petitioner / defendant reiterated the grounds raised in the revision petition and requested this Court to reconsider the grounds afresh.



4. Under Order 47 Rule 1 of C.P.C., a judgment may be open to review only if there is an error or a mistake apparent on the face of the record. If there is an error, which has to be detected by a process of reasoning, the same cannot be said to be an error apparent on the face of the record, warranting the Court to exercise its power of review under Order 47 Rule 1 C.P.C. Further, it is a settled principle that under Order 47 Rule 1 of C.P.C., it is not permissible for an erroneous decision to be reheard and corrected, as a review petition cannot be treated as an appeal in disguise.

5. In the present case, the learned counsel appearing for the petitioner / defendant did not point out any error apparent on the face of the order. He requested this Court only to reconsider the matter, which cannot be done in the review. In view of the above, this Court is inclined to dismiss this review application.

6. At this juncture, the learned counsel appearing for the respondent submitted that the suit has been pending from 2014 onwards and the petitioner / defendant has been dragging on the matter by filing a petition after petition and therefore, he requested this Court to dispose of the suit within a stipulated time.

7. In view of the above, this Review Application is dismissed. However, considering the above submission of the learned counsel for the respondent and also considering the year of the suit, the Court below is directed to dispose of the suit in O.S.No.20 of 2014 within a period of six months from the date of receipt of a copy of this order. Both the parties are directed to cooperate with the trial Court for the early disposal of the suit. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

gcg
To

1. The VI-Additional District Judge, Madurai.

+1CC TO MR.T.C.S.THILLAINAYAGAM, Advocate Sr. No.58293

+1CC TO MR.R.INBARAJ, Advocate Sr. No. 59088

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