

CMP.No.5458 of 2019
in
Rev.Appl.SR.No.27698 of 2019

M.S.RAMESH.,J

The Review Application has been filed, as against the order directing the First Appellate Court to take up the appeal papers returned by this Court in AS.SR.No.2585 of 2018 on the ground that since the order was passed under Order 7 Rule 11 of CPC, an appeal alone would lie.

2. It is the submission of the learned counsel for the review petitioner that the order was not one under Order 7 Rule 11 of CPC, but under Section 151 of CPC and therefore, a revision alone would lie and the First Appellate Court was not correct in returning the papers, but ought to have rejected the same.

3. In my view, such an objection can be raised, when the appeal is taken up for hearing and as such, the present application to review the earlier order of this Court, may not be maintainable, since there is no error apparent on the order. If at all the review petitioner is aggrieved, it is open to him to raise all these objections before the First Appellate Court. Since this Court has rendered its findings on the merits of the review petition, the delay petition filed, does not require any consideration.

M.S.RAMESH.,J

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4. Hence, the CMP.No.5458 of 2019 stands dismissed.

28.03.2019

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(Note: Issue order copy on 03.04.2019)



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