

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.08.2019

CORAM :

The Hon'ble Mrs.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

Review Application No.59 of 2016
in C.R.P. (NPD) No.4212 of 2015

J.Paramanandam,
Prop M/s.Anand Agencies,
J.P. Towers,
No.7/2, Nungambakkam High Road,
Chennai – 600 034
Also at:
No.64, Radhakrishna Salai,
Mylapore, Chennai-600 004.

.. Petitioner

-VS-

1.Indian Bank,
Dr.Radhakrishnan Salai Branch,
Dr.Radhakrishnan Salai,
Mylapore, Chennai – 600 004.

2.P.R.Sathappan

3.S.R.Koteeswara Rao

4.Azhagammal

5.Dhanalakshmi
6.Deepak Darthwani
7.Periakaruppan
8.Gowri
9.Parameswari
10.R.S.Gijaya

.. Respondents

Review Application filed under Order 47 Rule 1 r/w 114 of CPC seeking to review the order passed in C.R.P. No.4212 of 2015, dated 08.02.2016, on the file of this Court.

For Petitioner : Mr.T.Saikrishnan

For Respondents : Mr.Jayesh B Dolia
for M/s.Aiyar and Dolia
for respondent No.1

(Order of the Court was made by M.Duraiswamy, J.)

The petitioner has filed the above Review Application to review the order dated 08.02.2016 passed in C.R.P. (NPD) No.4212 of 2015 on the file of this Court.

2. This Court, by an order dated 08.02.2016, dismissed C.R.P. (NPD) No.4212 of 2015 for reason that the learned counsel for the petitioner was repeatedly taking adjournments without putting forth the case of the petitioner. Further, after perusing the pleadings, a Division Bench of this Court dismissed the Civil Revision Petition finding no merits in the matter. Now, the petitioner has filed the above Review Application to review the said order.

3. The learned counsel appearing for the petitioner submitted that the counsel for the petitioner met with accident and, therefore, he was not in a position to make his submission before the Division Bench of this Court and that the Division Bench of this Court dismissed the C.R.P. (NPD) No.4212 of 2015 without hearing the counsel for the petitioner.

4. On a perusal of the grounds of Review, it is clear that the petitioner has not raised the contention now raised by the learned counsel for the petitioner as a ground for reviewing the order passed in the Civil Revision Petition. However, the learned counsel appearing for the petitioner submitted that in the reply affidavit filed by the

petitioner to the counter-affidavit filed by the first respondent, he has stated that Mr.A.P.S.Kasthurirangan met with a major accident and is bedridden till date and, therefore, he was unable to attend the proceedings in C.R.P. (NPD) No.4212 of 2015.

5. On a perusal of the order passed in C.R.P. (NPD) No.4212 of 2015, dated 08.02.2016, we could see that the petitioner was represented by Mr.M.Arun Kumar for M/s.C.Dayakar, who has filed vakalat for him. Hence, from the order passed in C.R.P. (NPD) No.4212 of 2015, dated 08.02.2016, it is clear that Mr.A.P.S.Kasthurirangan, learned counsel was not appearing in the Civil Revision Petition and that he has also not filed vakalat on behalf of the petitioner. In these circumstances, the contention now put forth by the learned counsel for the petitioner cannot be accepted.

6. The petitioner has not made out any ground to review the order dated 08.02.2016 passed in C.R.P. (NPD) No.4212 of 2015. Unless there is any error apparent on the face of the record, the order passed in the Civil Revision Petition cannot be interfered. The scope of review under Order 47, Rule 1 of Code of Civil Procedure, 1908 is

very limited. Hence, in the absence of any error apparent on the face of the record, we are not inclined to interfere with the order passed in C.R.P. (NPD) No.4212 of 2015.

7. In these circumstances, we do not find any merit in the Review Application. Accordingly, the Review Application is dismissed. No costs.

(V.K.T., CJ.) (M.D., J.)
19.08.2019

Index : Yes/No
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To:

M/s. Indian Bank,
Dr.Radhakrishnan Salai Branch,
Dr.Radhakrishnan Salai,
Mylapore, Chennai – 600 004.

सत्यमेव जयते
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The Hon'ble Chief Justice
and
M.Duraiswamy, J.

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