



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.10.2019

CORAM

THE HONOURABLE MR. JUSTICE **S.S.SUNDAR**

REV.APLC.(MD)No.149 of 2019

in

TR.C.M.P.(MD)No.64 of 2019

and

C.M.P.(MD)No.7878 of 2019

S.Parveena

... Petitioner/Petitioner

Vs

C.Satheesh Mohan

... Respondent/Respondent

Prayer: The Review Application filed under Section 114 and Order 47 and Rule 1 of Code of Civil Procedure, to review the order dated 06.06.2019 passed by this Court made in Tr.C.M.P.(MD)No.64 of 2019.

Prayer in TR CMP(MD). 64/ 2019 :

This Petition filed under section 24 of Civil Procedure Code, Pleaded to withdraw the HMOP No.15 of 2017 on the file of Sub Court, Valliyoor and transfer the same to the Family Court, Coimbatore

For Petitioner :Mr.N.Anandakumar

For Respondent :Mr.K.N.Thambi

ORDER

This petition is filed to review the order passed in Tr.C.M.P.(MD)No.64 of 2019, dated 06.06.2019. The petitioner herein is the wife and the petitioner in the Tr.C.M.P.(MD)No.64 of 2019.

2.The petitioner prayed for withdrawal of the proceedings in H.M.O.P.No.15 of 2017 from Subordinate Court, Valliyoor and transfer the same to Family Court, Coimbatore. H.M.O.P.No.15 of 2017 was filed by the husband for divorce.

3.In the Transfer Civil Miscellaneous petition, the petitioner has stated that she is unable to appear before the Subordinate Court, Valliyoor, as she has to travel more than 7 to 8 hours from the place of her residence. The petitioner herself has filed H.M.O.P.No.29 of 2019 before the Principal Subordinate Court, Nagercoil for restitution of conjugal rights. In the said petition, the petitioner has stated that the cause of action arose

at Nagercoil. The petitioner has now produced some records to



show that she is residing at Coimbatore along with her parents.

4.This Court has considered the case on merits and dismissed the petition for transfer for reasons recorded in the order. There is no error apparent on the face of records and the learned Counsel for the petitioner is unable to point out any error apparent, except the fact that the petitioner has now got employment at Coimbatore and residing with her parents.

5.The Honourable Supreme Court and this Court has repeatedly held that a review is not an appeal in disguise. Unless error is apparent on the face of records or the error can be deducted, without a long drawn process of reasoning, the review cannot be entertained. A review on a new point, which has to be established on facts after hearing both side, is not maintainable. This Court find no reason or ground to review the order of this Court in Tr.C.M.P.(MD)No.64 of 2019, dated 06.06.2019.

6.Accordingly, the review application is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (co)

// True Copy //

Sub Assistant Registrar(CS)

Cmr

To

1.The Sub Court, Valliyoor

2.The Family Court, Coimbatore

+1 CC to M/s.K.N. THAMPI, Advocate (SR-90680[F] dated 01/10/2019)

+1 CC to M/s.N. ANANDA KUMAR, Advocate (SR-90984[F] dated 03/10/2019)

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