



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.09.2019

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Rev.Aplc. (MD)No.151 of 2019

and

C.M.P. (MD)No.8198 of 2019 in

C.R.P(MD)1749 of 2018

Vengan

... Petitioner/Respondent

Vs

Mani

... Respondent/Petitioner

Prayer: Review Application is filed under Order XLVII, Rules 1 and 2 of the Civil Procedure Code r/w. Section 114 of Cr.P.C., to review the judgment dated 25.09.2018 made in C.R.P.(PD) (MD)No.1749 of 2018, on the file of this Court.

Prayer in CRP(MD)No.1749 of 2018:

Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 25.10.2017 passed in I.A.No.185 of 2017 in I.A.No.75 of 2013 in O.S.No.93 of 2013 on the file of the Learned Sub Court, Vedasanthur by allowing this CRP with cost.

For Petitioner : Mr.S.Vinod Sathya Lazar

For Respondent : Mr.R.S.Sivaram

O R D E R

The review applicant herein is the defendant in O.S.Nos.93 and 94 of 2013, on the file of the learned Sub Court, Vedasanthur. He filed I.A.No.185 of 2017 in O.S.No.93 of 2013, for conducting a joint trial of both the suits. The same was allowed by the learned Trial Judge. That was challenged by the plaintiff by filing C.R.P.(PD) (MD)No.1749 of 2018. This Court by order dated 25.09.2018 allowed the civil revision petition and set aside order of the Court below. This Court while allowing civil revision petition noted that even though the parties in the suit are one and the same, the suit schedule is different. Seeking the review of the order made in the civil revision petition, this review application has been filed.

2.The learned counsel appearing for the review applicant pointed out that the plaintiff/Mani, while filing suit in O.S.No.93 of 2013, in paragraph 9 thereof had stated the plaint averment set



out in O.S.No.94 of 2013 shall be treated as part and parcel of the same.

3.The contention urged by the learned counsel appearing for the review applicant is quite sound. In response to the aforesaid submission, the learned counsel appearing for the respondent herein submitted that he would not stick to the stand set out in paragraph 9 of proof affidavit filed in support of O.S.No.93 of 2013, by the plaintiff/Mani. Recording the submission made by the learned counsel for the plaintiff/respondent herein, the review application stands dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

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To

The Sub Judge,
Vedasanthur.

+1 CC to M/s.R.S.SIVARAM, Advocate (SR-85856[F] dated 09/09/2019)

Rev.Aplc. (MD) No.151 of 2019

in

C.R.P (MD) 1749 of 2018

09.09.2019

KK/SAR/30.09.2019/2P-3C/