



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.09.2019

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

REV. APLC(MD)No.152 of 2019
and
C.M.P(MD)No.8349 of 2019

R.L.Rasu

... Petitioner/
Petitioner

Vs.

A.Jeyamani

... Respondent /
Respondent

PRAYER : Review Application filed under Order XLVII Rule 1 and 2 read with Section 114 of the Civil Procedure Code, against the order dated 21.12.2018 made in C.R.P(MD)No.2660 of 2018 on the file of this Court.

Prayer in CRP(MD). 2660/ 2018 :

To set aside the docket order made in I.A.No.303 of 2018 in RCA No.85 of 2018 dated 13.11.2018 on the file of the Principal Subordinate Judge, Madurai.

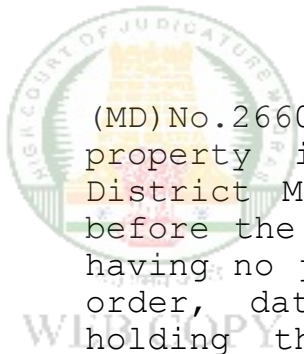
For Petitioner : Mr.A.Jeyaram

For Respondent : Mrs.M.Anbarasi

ORDER

This review application has been filed by the petitioner as against the order dated 21.12.2018 passed in C.R.P(MD)No.2660 of 2018.

2.Originally, the petitioner was inducted as a tenant in the property situate in Ward No.31, Sadasiva Nagar, Tiruvalluvar Street, Madurai-625 020 by one C.Balasubramanian / landlord. The said Balasubramanian filed R.C.O.P.No.27 of 2015 before the learned District Munsif (Rent Controller), Madurai Town, for eviction. Pending the said RCOP, Balasubramanian filed I.A.No.126 of 2015 for a direction to the petitioner / tenant to deposit the arrears of rent. Pending the said application, Balasubramanian died and his legal heir / respondent was impleaded. The learned Additional District Munsif (Rent Controller), Madurai Town allowed I.A.No.126 of 2015 on 13.11.2018, Against which, the petitioner filed C.R.P



(MD)No.2660 of 2018 on the ground that the petition mentioned property is coming under the territorial jurisdiction of the District Munsif, Melur, but R.C.O.P.No.27 of 2015 has been filed before the Additional District Munsif Court, Madurai Town, which is having no jurisdiction to entertain the said RCOP. This Court, by order, dated 21.12.2018, dismissed the Civil Revision Petition holding that the petition mentioned property situate at Door No.5/557, Thiruvalluvar Street, Sadasiva Nagar, Madurai-20, is coming under Sathamangalam Village, Madurai North Taluk, Madurai, under the territorial jurisdiction of the District Munsif Court, Madurai Town. Seeking to review the said order, the petitioner / defendant filed this review petition on the ground that the petition mentioned property is coming under the territorial jurisdiction of the District Munsif Court, Melur.

3.The learned counsel appearing for the review petitioner has reiterated the grounds raised in the revision petition.

4.The learned counsel appearing for the respondent has produced G.O.(4D)No.124, Home (Pol-XIV) Department, dated 10.12.2013, where it is mentioned that Ward 32, North-Thiruvalluvar Street (Sadhasivanagar), Kurinjinagar (Melamadai), Madurai, is coming under E3 Annanagar Police Station, Madurai. She would further submit that in view of the said G.O., the petition mentioned property comes under the territorial jurisdiction of the District Munsif Court, Madurai Town.

5.Heard the learned counsel for the parties and also perused the materials available on record.

6.The power of this Court in matters of review is very limited. Such power can be exercised only when there is error apparent on the face of the record or in the event an order is not reviewed, it would amount to miscarriage of justice. For the said proposition, we may usefully refer to the Judgment of a Division Bench of this Court, in Union of India, rep by the Senior Divisional Commercial Manager, Chennai, Vs. The Registrar, Central Administrative Tribunal, Madras Bench, reported in CDJ 2014 MHC 241, wherein the Division Bench has made a complete survey of several Judgments of the Supreme Court, on this question, and has ultimately, in Paragraph No.10, held as follows:-

"10. In yet another Judgment reported in 2013 (8) SCC 320, [Kamlesh Verma Vs. Mayawati and others], the Hon'ble Apex Court, after examining various Judgments passed earlier has held as follows"

"12. This Court has repeatedly held in various Judgments that the jurisdiction and scope of review is not that of an appeal and it can be entertained only there is an error apparent on the face of record. A mere repetition through different counsel, of old and overruled





searched.

(viii).The appreciation of evidence on record is fully within the domain of the appellate Court, it cannot be permitted to be advanced in the review petition.

(ix). Review is not maintainable when the same relief sought at the time of arguing the main matter had been negated."

7.In view of the law laid down by the Division Bench of this Court in the Judgment, referred to above, it may be mentioned that the review is not an appeal in disguise and therefore, this Court cannot consider any of the new materials, which were not placed before the Court, argued and not considered. Applying the said legal principles to the facts of the present case, if the grounds of review are analysed, this Court finds no error apparent on the face of the order sought to be reviewed. It is also seen that the petitioner has not even taken steps to deposit the amount before the learned Additional Rent Controller, Madurai Town, as ordered by the Principal Sub Court, Madurai. Thus, the present Review Application is liable to be dismissed. Accordingly, the Review Application is dismissed. If the petitioner is still aggrieved, it is always open to her to file an appeal against the order passed in the revision petition, if she so desires. Consequently, connected Miscellaneous Petition is also dismissed. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar(CS)

smn

To

The Principal Subordinate Judge, Madurai.

+1 CC to M/s.D.SELVANAYAGAM, Advocate (SR-86698[F] dated 13/09/2019

ORDER MADE IN
REV. APLC(MD)No.152 of 2019
13.09.2019

JMN(30.09.2019) 4P : 3C