



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.01.2019

CORAM

WEB COPY

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM**  
**and**  
**THE HONOURABLE MR.JUSTICE P.VELMURUGAN**

Reivew Application (MD).No.52 of 2019  
in Civil Miscellaneous Appeal (MD) No.635 of 2011

1. Chellappan,  
S/o.Thanikodi.
2. Saroja,  
W/o.Chellappan.
3. Revathi,  
D/o.Chellappan.
4. Rajendran,  
S/o.Chellappan.

... Applicants

**-vs-**

The Managing Director,  
Tamil Nadu State Transport Corporation Ltd.,  
New Railway Station Road,  
Kumbakonam, Thanjavur District.

... Respondent

Review Application filed under Order 47 Rules 1 and 2 read with Section 114 of Civil Procedure Code, to review the judgment and decree dated 13.04.2017, passed in C.M.A.(MD) No.635 of 2011.

Prayer in CMA(MD)No.635 of 2011 :

To set aside the Judgment and Decree passed in MCOP.No. 33/2009 dated 22.04.2010, on the file of Motor Accident Claims Tribunal cum I Additional District Judge (PCR), Thanjavur, and pass such further or other orders as this Honourable Court may deem fit and proper in the circumstances of the case and thus render justice.

For Applicants : Mr.S.Deenadhayalan  
For Respondent : Mr.M.Prakash

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**ORDER**

**(Order of the Court was made by T.S.Sivagnanam, J.)**

Heard, Mr.S.Deenadhayalan, learned counsel for the applicants/respondents; and Mr.M.Prakash, learned counsel for the respondent/appellant.



2.This review application has been filed by the respondents in Civil Miscellaneous Appeal (MD) No.635 of 2011. The said appeal was filed by the respondent/Transport Corporation challenging the award of the Motor Accident Claims Tribunal/I Additional District and Sessions Judge (PCR), Thanjavur, in MCOP No.33 of 2009, dated 22.04.2010.

3.We have elaborately heard the learned counsel appearing for the review applicants and carefully perused the memorandum of grounds of review.

4.The applicants would claim that the vital documents, regarding the income earned by the deceased while working at Singapore, were considered and brushed aside by the Tribunal.

5.Firstly, the Court noted that the deceased had travelled to Singapore on a visitor's visa and not for employment basis. Therefore, the larger question would be whether at all the deceased could have been employed or in other words, his employability itself is a big question mark.

6.Considering these aspects, we have passed the judgment dated 13.04.2017. In any event, the grounds, which were canvassed before us are not grounds of review, as the applicants have not pointed out any error apparent on the face of the judgment and the attempt of the review applicants is to re-argue the appeal. It is a settled legal position that a review application is not an appeal in disguise.

7.Thus, for the above reasons, we find no reason to entertain the review application.

8.In the result, the review application fails and the same is dismissed. No costs.

Sd/-  
Assistant Registrar (AD-I)

/True Copy/

Sub Assistant Registrar (CS-I)

**To**

The I Additional District Judge (PCR),  
Motor Accident Claims Tribunal,  
Thanjavur.

ABR  
TE/SKN/SAR:1 : 20/02/2019 : 2P/2C