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Rev.Application No.172 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2021

CORAM

THE HON'BLE Ms. JUSTICE R.N.MANJULA

Rev.Application No.172 of 2021

1.Jayaseelan

2.E.Prema

... Petitioners

Vs.

N.Kamalakannan

... Respondent

Review Application filed under Section 114 of Civil Procedure Code
r/w. Order XLVII, Rule 1 of C.P.C. seeking to set aside the order passed by
this Hon'ble Court in C.R.P.(NPD).No.4668 of 2015 dated 09.04.2021.

For Petitioners : Mr.S.Mohamed Uduman

ORDER

This Review Application has been preferred seeking to set aside the
order passed by this Court in C.R.P.(NPD).No.4668 of 2015 dated
09.04.2021.



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2. The impugned order has been passed on the revision petition filed praying to set aside the order passed in E.P.No.73 of 2013 in O.S.No.104 of 2003 dated 12.10.2015. The order that has been passed in the Execution Petition relates to executing the decree in O.S.No.104 of 2003 dated 12.10.2015. The decree has been passed by decreeing the suit filed for mandatory injunction and other reliefs. The judgement of the trial Court stood unchallenged. The defendant of the said suit alone has filed the Civil Revision Petition challenging the order of the Executing Court. Even though there was no appearance for the revision petitioner on the date of hearing, the order was passed on merits.

3. The learned counsel for the review petitioners submitted that his name was mentioned wrongly in the cause list and only because of that he could not make his appearance on 09.04.2021 and hence the order should be reviewed.

4. The case was not simply dismissed for default. The impugned order does not state that it has been dismissed for default. It is a well-



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reasoned order passed on merits. Hence, I find no ground to review the same.

In the result, this Review Application is dismissed.

13.12.2021

Speaking/Non-speaking

Index: Yes/No

Internet : Yes/No

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R.N.MANJULA.,J.

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