



Review Petition No.87 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2022

C O R A M

THE HONOURABLE Mrs.JUSTICE P.T.ASHA

Review Application No.87 of 2022
against C.R.P.No.376 of 2021

S. Vinod Kumar

.. Petitioner

-Vs-

K.Nirmala

.. Respondent

Prayer: Review Application has been filed under Order 47 Rule 1 read with Section 114 of C.P.C against the order dated 18.02.2022 passed in C.R.P.No.376 of 2021 on the file of this Court and to allow this petition.

For petitioner ... Mr.N.R.Kaushik

For Respondent ... Mr.K.Premkumar

ORDER

The respondent seeks to review the order dated 18.02.2022 in C.RP.No.376 of 2021 passed by this Court on the ground that the revision petitioner has obtained an order by stating that she had not received notice,



as the notice was sent to the address where she was not residing. The order in the review petition was passed after hearing both the learned counsels.

2. The learned counsel for the review petitioner argued that the revision petitioner was living only in the address, where the summons had been taken, which is her parents' house. In fact, an argument was put forward that, since the respondent herein has herself admitted that the notice has gone to her parents' house, her parents would have kept informed her about the same. Therefore, there is a presumption that the notice has been served on her. This argument was also urged by the petitioner when arguing the Revision. However, since the respondent herein had produced the documents to show that even on 16.07.2018, her address in a Settlement Deed has been shown only as No.6, Sriram Street, Dinesh Nagar, Ayanambakkam, Chennai 600 095, which was her matrimonial home, the above argument was not accepted. Despite this, the counsel for the review petitioner would submit that the above statement made by the revision petitioner is false, since a perusal of the charge sheet in the POCSO case would show her address as No.234, 4th Block, Veeramunivar Salai,



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Mugappair East, Chennai - 37. However, this argument cannot be countenanced since the summons in the H.M.O.P had not gone to the above said address, which was shown in the charge sheet, but to No.4/234, Nakkeerar Street, Mugappair East, Chennai-600 037.

3. The argument, which is once again advanced in this Review Petition has to be repulsed since in the settlement deed dated 16.07.2018, which is executed much after the POCSO case i.e., nearly 4 months after the filing of the charge sheet, the address of the respondent had been shown as No.6, Sriram Street, Dinesh Nagar, Ayanambakkam, Chennai 600 095.

4. Therefore, the petitioner has not made out any case to show that the order dated 18.02.2022 passed in C.R.P.No.376 of 2021 suffers from an error apparent on the face of the record. Accordingly, the Review Application is dismissed. No costs.

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P.T.ASHA, J

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