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Rev. Appl. No. 108 of 2019
against C.R.P. No. 2158 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2022

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Rev. Appl. No. 108 of 2019
and
C.M.P. No. 11453 of 2019
against
C.R.P. No. 2158 of 2018

M/s. Sakthi Builders,
rep. by its Managing Partner
Mr.P.Rajendran

... Petitioner

Versus

1. Mr. A. Kirupakaran,
S/o. Late V.Annamalai
2. Chennai Metropolitan Development
Authority,
rep. by its Member Secretary,
No.1, Gandhi Irwin Road,
Egmore, Chennai-08.
3. Corporation of Chennai,
rep. by its Commissioner,
Ripon Buildings,
Chennai-600 003.
4. Sakthi Towers Owner's Association,
rep. by its Secretary M.Rajendran

... Respondents



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Prayer:- Review Application has been filed under Sec.114 read with Order 47 Rule 1 of Civil Procedure Code, praying to review the order dated 05.09.2018 passed in C.R.P. (NPD) No. 2158 of 2018.

For Petitioner : Mr.M.Venkatakrishnan

For Respondents : Mr.Sadasharam for R1

Ms. Aswini Devi K. for R3

R2 to R4 – No appearance

ORDER

Today, when the matter came up for hearing, the learned counsel for Review Petitioner/4th respondent submitted that the C.R.P. No. 2158 of 2018 was allowed on 05.09.2018 by this court without giving due notice to the respondents. Thereafter, only on 01.10.2018, when the copy of order submitted before the lower court, the parties concerned came to know about that order. Now, the Review Petitioner submitted that they are having valid defence to contest the C.R.P. No. 2158 of 2018 and due to the disposal of the said Civil Revision Petition without hearing objections on the side of



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respondents on the date of admission itself, they are not able to submit their valid objections in the impugned order. Therefore, the Review Petitioner/4th respondent want to set aside the order passed in the above C.R.P. and accordingly, they filed the present Review Application.

2. The learned counsel for 1st respondent admits that the Civil Revision Petition was allowed on the date of admission itself i.e. on 05.09.2018 only on hearing the revision petitioner.

3. In such circumstances, opportunity has to be given to the review petitioner to submit his objections. Accordingly, this Review Application is allowed and the findings of this court in C.R.P. No. 2158 of 2018 is set aside as there is an error on the face of record and the Registry is directed to post the C.R.P. No.2158 of 2018 on 27.04.2023. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

30.11.2022

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N.B. Issue order copy on 18.04.2023

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To

1. Member Secretary,
Chennai Metropolitan Development
Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai-08.
2. Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai-600 003.



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T.V.THAMILSELVI, J.

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