

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **13.07.2022**

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Rev.Aplc.(MD).No.81 of 2021
in C.R.P.(MD).No.723 of 2020

1.Kamarunnisa
W/o Shahul Hammed

2.Barzathbhanu
W/o Sadakkadhullah

...Petitioners/Petitioners

Vs.

Mohammed Akbar
S/o Mohammed Aliyar

... Respondent/Respondent

PRAYER: Review Application filed under Order XLVII Rule 1 & 2 of CPC, to review the order passed in C.R.P.(MD) (NPD).No.723 of 2020 dated 24.02.2021 on the file of the Madurai Bench of Madras High Court.

For Review Petitioner : Mr.A.Haja Mohideen

ORDER

Challenging the order dated 24.02.2021 made in C.R.P.(MD) (NPD).No. 723 of 2020, the present Review Application has been filed.

2. The civil revision petition has been filed as against the dismissal order passed in I.A.No.24 of 2017 which petition has been filed to condone the delay of 197 days in filing the Appeal Suit.

3. It is transpired that revision petitioners/defendants have filed counter in Execution Proceedings filed by the decree holder in E.P.No.6 of 2017, whereby they stated that they complied with the judgment and decree of the trial court passed in the suit. The learned Judge, after going through the judgment passed in the suit and the counter in EP, observed that nothing survives in the appeal to be decided and it is only a futile exercise to condone the delay. While passing order in the Civil Revision Petition, this court carefully gone through the entire records and finding no infirmity in the reasonings of the learned Judge, dismissed the Civil Revision Petition.

4. In this review application, the learned counsel for the petitioner would submit that this court has not considered the bonafide reason of the revision petitioners and therefore, sought for proper opportunity to redress their grievance to raise their grounds in the Appeal Suit.

5. Heard the learned counsel for the petitioner and perused the materials

available on record.

6. Review applications can be entertained only on the ground of error apparent on the face of records or clerical error. The power of review cannot be extended to readjudicate the issues already considered by this Court. In the case of *Lily Thomas v. Union of India, (2000) 6 SC 224*, it is observed by the Honourable Supreme Court that the power of review can be exercised for correction of a mistake, but not to substitute a view. Hence, this Court is of the view that, the prayer sought for by the petitioner cannot be acceded to and is liable to be dismissed. Accordingly, the Review Application stands dismissed. No costs.

13.07.2022

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Rev.Aplc.(MD).No.81 of 2021

J.NISHA BANU,J.

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Rev.Aplc.(MD).No.81 of 2021

13.07.2022