



*Rev.Aplw(MD)No.77 of 2022*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **30.09.2022**

CORAM

**THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR**

**Rev.Aplw(MD)No.77 of 2022**

**in**

**W.P(MD)No.14899 of 2022**

**and**

**W.M.P(MD)Nos.16771 and 16772 of 2022**

1.R.Vijayalakshmi

2.R.Arun

3.R.Sundar

... Applicants/Writ Petitioners

Vs.

1.Bhuvaneswari

2.Sivakameshwari

3.Saratha Devi

4.Lalithambigai

5.Abirami

6.Saravanan

7.Senthilkani

8.Sankareswaran

9.Ramachandra Ganesh



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10.The Legal Services Authority,  
(District Munsif Court),  
Sivakasi.

... Respondents/Respondents

**PRAYER :** Review Petition filed under Order 47 Rule 1 Section 114 of Code of Civil Procedure, against the order made in W.P(MD)No.14899 of 2022, dated 13.09.2022.

For Petitioner : Mr.A.Sivaji

### **ORDER**

The present review application has been filed seeking review of the order of this Court, dated 13.09.2022.

2. The above writ petition was filed challenging an award passed by the Lok Adalat on 31.03.2010 on the ground that the said award is vitiated by fraud and misrepresentation. This Court after hearing both the parties, had reserved judgment on 25.08.2022. Thereafter, the learned counsel for the writ petitioner has filed W.M.P(MD)SR.No.53809 of 2022 seeking to amend the prayer in the main writ petition so as to challenge the execution proceedings arising out of the said Lok Adalat award. The learned counsel for the writ petitioner has also filed another



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W.M.P(MD)SR.No.53810 of 2022 seeking permission of this Court to receive additional affidavit.

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3. According to the learned counsel for the petitioner/review petitioner, after reserving the order, these two applications were filed, but they were not numbered by the registry. Thereafter, the order was delivered on 13.09.2022 dismissing the writ petition. The registry has returned both these applications. Hence, according to the learned counsel for the review petitioner, had these two applications been brought to the notice of the Court, the result in the main writ petition would have been different. Hence, he prayed for considering the review application on merits.

4. I have perused the grounds raised in the review application.

5. After hearing both the sides, order was reserved on 25.08.2022. Thereafter, two applications have been filed by the writ petitioner. Those two applications have not been numbered and returned by the registry after delivery of the order. By way of first application, the review petitioner seeks to include a prayer to challenge the execution proceedings arising out of the Lok Adalat award. This Court, by its



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order, dated 13.09.2022 has upheld the validity of the Lok Adalat award.

Hence, the challenge to the execution proceedings independently may not arise for consideration. The question of considering a review application would arise only if an error apparent on the face of the record is brought to the notice of the Court and the said error if rectified, would change the result of the writ petition. In the present case, the inclusion of the prayer challenging execution proceedings would not in any way alter the result of the writ petition and the same could never be considered to be an error apparent on the face of the record. That too, these two applications have been filed after reserving the order. Hence, I do not find that this review application attracts the ingredients under Order 47 Rule 1 of Code of Civil Procedure.

6. Hence, this Review Application stands closed. The petitioners are always at liberty to challenge the execution proceedings independently on any legal grounds, if it is available to him. No costs. Consequently, connected Miscellaneous Petitions are closed.

**30.09.2022**

Index : Yes / No

Internet : Yes / No

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**R.VIJAYAKUMAR ,J.**

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Order made in  
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Dated:  
30.09.2022