



Rev. Appl.No.35 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2023

CORAM:

**THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR**

Rev. Appl.No.35 of 2018

in

SA.No.518 of 2017

Pappathi

.. Applicant

Vs.

1. Mumtaj Begum

2. Kandan

.. Respondents

Review Application is filed under Order XLVII Rule 1 of CPC r/w Section 114 of CPC to review the judgment and decree dated 09.08.2017 made in SA.No.518 of 2017 passed by the learned Single Judge of this Court.

For Applicant : Mr.C.Prabakaran

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## ORDER

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This Review Application has been filed to review the judgment and decree passed by this Court in SA.No.518 of 2017, dated 09.08.2017.

2. After hearing the learned counsel for the applicant and on perusal of materials available on record, it is seen that this Court had upheld the decisions of the Court below and dismissed the second appeal. The petitioner now under the guise of the review wants to re-argue the matter afresh, which is not permissible under the law. There is no error apparent on the face of the record that warrants a review of the order passed by this Court in the second appeal.

3. In this context, it is useful to rely upon the decision of the Hon'ble Supreme Court in ***Perry Kansagra V.Smriti Madan Kansagra reported in (2019) 20 SCC 753***, wherein, the Apex Court has held that, while exercising the review jurisdiction in an application under Order 47 Rule 1 r/w Section 114 of CPC, the Review Court does not sit in appeal over its own order.

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Further it was observed that rehearing of the matter was impermissible in law and the same cannot be considered as an appeal in disguise and the power of review can be exercised for correction of a mistake, but not to substitute a view.

4. In the light of the decision of the Hon'ble Supreme Court as cited supra, the relief sought for the by the applicant to review the order passed by this Court in SA.No.518 of 2017, dated 09.08.2017 cannot be entertained. Accordingly, the present Review Application stands dismissed. No order as to costs.

24.11.2023

Speaking Order: Yes / No  
pvs



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D.KRISHNAKUMAR, J.

pvs

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