



REV.APLC.(MD)No.25 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

REV.APLC.(MD) No.25 of 2023

K.Pandian

...Review Applicant/Respondent

Vs.

1.R.Backialakshmi
2.R.Rengaraj
3.R.Rajaram
4.R.Senthikumar
5.R.Muthuselvan
6.R.Muthuselvi
7.R.Muthulakshmi

...Respondents/Appellants

PRAYER: This Review Application is filed under Section 114 r/w Order 47 Rule 1 of the Civil Procedure Code to review the judgment and decree dated 23.01.2020 passed in A.S.(MD)No.153 of 2008 on the file of this Court and set aside the same.

For Petitioner : Mr.S.M.S.Johny Basha

For R6 to R7 : Mr.M.Thirunavukkarasu

ORDER

This review application is filed seeking to review the judgment and decree of this Court dated 23.01.2020 made in A.S.(MD)No.153 of 2008.



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2. Though several grounds have been raised in the review petition, all had been given up and only some additional grounds have been raised to review the judgment. The first ground raised by the learned counsel for the review applicant is that in the absence of any pleadings regarding readiness and willingness, the Court ought not to have framed the point for consideration as to readiness and willingness. The second aspect is that the defendant had set up adverse title to the vendor and the Court had accepted the view, which is also not permissible under law and the third ground is that the agreement is valid. Only on these three grounds, the entire judgment is sought to be reviewed.

3. On perusal of the very grounds itself, this Court is of the view that the review applicant seeks to achieve what he could not achieve by way of filing an appeal against the judgment rendered by this Court. Merely the Court had framed the point of readiness and willingness for consideration, it cannot be stated that there is an error apparent on the face of the record. Section 16 of the Specific Relief Act before the amendment contemplates that 'the plaintiff must aver performance of, or readiness and willingness to perform, the contract according to its true construction.' In respect of other aspects, this Court had gone into the merits of the matter and decided the issue based on the evidence.



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4. In such view of the matter, in the absence of any error apparent on the face of the record, the review cannot be entertained mechanically. If such type of review application is entertained, it will be just like siting over the own judgment by the same Court as an appellate court, which leads to serious complications.

5. For the reasons stated above, this Court does not find any merit in this review application and accordingly, the Review Application is dismissed. No costs.

31.03.2023

Index : Yes/No

NCC : Yes/No

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To

1. The Motor Accident Claims Tribunal,
Additional District Court, Virudhunagar.

2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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N.SATHISH KUMAR, J.

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