



CMP.(MD).No.10510 of 2022
in Rev.Aplc(MD).SR.No.30942 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2023

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

CMP.(MD).No.10510 of 2022
in Rev.Aplc.(MD).SR.No.30942 of 2022

1.Glory

2.Leo Garkey

..Petitioners/Review Applicants

Vs

1.Murugan

2.Hosimin

3.Lenin

..Respondents/Respondents

Prayer in CMP.No.10510 of 2022 :- Petition filed praying to condone the delay of 270 days in filing the review application.



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Prayer in Review Aplc.Sr.No.30942 of 2022 : Review filed praying to review the judgment and decree passed in S.A.(MD).No.29 of 2015 dated 28.08.2019.

For Petitioners : Mr.V.Karthik Raja

ORDER

CMP.(MD).No.10510 of 2022 has been filed praying to condone the delay 270 days in filing the review application. Rev.Aplc.(MD)SR.No. 30942 of 2022, has been filed to review the judgment and decree passed in S.A.(MD).No.29 of 2015 dated 28.08.2019.

2. A reading of the affidavit filed in support of the CMP would go to show that as against the dismissal of the second appeal on 28.08.2019, S.L.P. was filed on 02.01.2020 and the same came to be dismissed on 31.01.2020.

3. The learned counsel for the review applicants, would submit that after dismissal of the SLP, the present review has been filed stating that



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new and important evidence discovered and the same need to be considered in this review application, however, delay occurred in filing the present review due to non availability of papers and sought to condone the delay and to review the judgment passed by this court.

4. It is well settled law that the dismissal of an SLP against an order or judgment of a lower forum is not an affirmation of the same. But at the same time, an erroneous decision of a court cannot be corrected by exercising review jurisdiction, but can only be corrected by appeal. In this case, the attempt of the appellants challenging the judgment of Second Appeal, came to be dismissed.

5. In any event, Review cannot be exercised on the ground that the decision was erroneous on merits. That would be the province of a court of appeal. Review petition lie only on the ground of error apparent on the face of the record and not on any other ground.

6. In the light of the above views, the present CMP is dismissed and



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the Review SR is rejected. No costs.

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J.NISHA BANU,J.

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