



Rev.Aplw.(MD)No.41 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

REV.APLC.(MD)No.41 of 2023

and

C.M.P.(MD)No.7562 of 2023

D.Jyothi

... Review Appellant

-Vs-

1.The Competent Authority /
Special District Revenue Officer,
Virudhunagar.

2.Rich India Marketing Company,
Sivakasi, Rep thro, Subburaj

3.Subburaj

4.S.Muthukumar

5.K.Santhana Marimuthu

6.P.Shankar

7.S.Ravichandran

8.P.Sivamurugan

... Respondents

PRAYER: Petition filed under Order 47 (1) & (2) r/w Section 114 of Civil Procedure Code, praying this Court to set aside the order dated 10.03.2023 in C.M.A.(MD)No.1099 of 2022 on the file of this Court.

Page 1 of 4



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Rev.Aplw.(MD)No.41 of 2023

For Petitioner : Mr.D.Srinivasaragavan
For R1 : Mr.D.Sasikumar,
Additional Government Pleader

ORDER

This review application is filed seeking to review the judgment and decree of this Court dated 10.03.2023 in C.M.A.(MD)No.1099 of 2022.

2.It is the contention of the review applicant in the aforesaid appeal that she is a *bona fide* purchaser for valuable consideration and no notice whatsoever has been served to her in during trial proceedings. This Court, after perusing the entire affidavit filed by the review appellant had noted that predecessor in title had transferred the property with *mala fide* intention to defeat the rights of the creditors or the depositors and dismissed the aforesaid appeal. Now, the same is sought to be reviewed in this review application.

3.The learned counsel for the review applicant mainly argued the maintainability of the attachment order. In fact, the entire judgment is sought to be re-adjudicated.

Page 2 of 4



Rev.Aplw.(MD)No.41 of 2023

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4.Mere perusal of the very grounds itself shows 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. This Court decided the appeal based on the evidence and on its own merits. 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 sitting 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, this Review Application is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

30.06.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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Page 3 of 4



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Rev.Aplw.(MD)No.41 of 2023

N.SATHISH KUMAR, J.

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To
The Competent Authority /
Special District Revenue Officer,
Virudhunagar.

REV.APLC.(MD)No.41 of 2023

30.06.2023

Page 4 of 4