



Rev.Apl.C(MD)No.56 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.09.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Rev.Apl.C.(MD)No.56 of 2023

in

A.S.(MD)No.56 of 2019

1.Sri Vinayaga Hardware & Electricals,
Backside of Murugan Theatre,
Andipatti Town Panchayat,
Theni District,
Rep. by its Managing Partner
Chandrasekar.

2.Chandrasekar

3.Packiyalakshmi

... Review Petitioners

Vs

Pandi @ Karuppasami

... Respondent

Prayer: Review Application is filed under Order XLVII, Rule 1 of the Civil Procedure Code r/w. Section 151 of Cr.P.C., against the impugned judgment passed in A.S.(MD)No.56 of 2019 dated 12.07.2021 on the file of this Court.

For Petitioners : Mr.R.Aravindan

For Respondent : Mr.S.Ayyanar Premkumar



Rev.Apl.C(MD)No.56 of 2023

ORDER

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The appellants in A.S.(MD)No.56 of 2019 are the review applicants. The respondent herein filed O.S.No.32 of 2017 on the file of the Additional District and Sessions Court (FTC), Theni for recovering a sum of Rs.12,00,000/- with interest from the defendants. The suit was decreed on 11.01.2019. Questioning the same, the defendants filed A.S.(MD)No.56 of 2019. After hearing the learned counsel on either side and going through the evidence on record, the appeal was dismissed by me on 12.07.2021. The judgment and decree passed by the trial Court were confirmed. Aggrieved by the same, the present review application came to be filed.

2.The learned counsel for the review applicants reiterated all the contentions set out in the memorandum of grounds of review.

3.After carefully considering the same, I am of the view that there is no error apparent on the face of the record warranting review. The learned counsel laid particular stress on the fact that the third review applicant namely, Packiyalakshmi had taken a specific stand that she was



Rev.Apl.C(MD)No.56 of 2023

not a necessary party and that this aspect of the matter was not considered by the trial Court as well as this Court. This aspect of the matter was dealt with by me in the judgment. The third review applicant / Packiyalakshmi was impleaded as the third defendant by filing an IA. If Packiyalakshmi felt aggrieved by the said impleading, she could have definitely filed a civil revision petition before this Court. She had not done so. More than anything else, Packiyalakshmi did not enter the witness box. In these circumstances, the question of entertaining the review application does not arise. Hence, the review application stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

05.09.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
ias



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G.R.SWAMINATHAN,J.

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