



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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JUDGMENT RESERVED ON : 02.02.2023

JUDGMENT PRONOUNDED ON : 09.02.2023

CORAM

THE HON'BLE MR. JUSTICE R.VIJAYAKUMAR

REV.APLC(MD)No.164 of 2022

in

SA(MD).No.330 of 2005

1.Arulmighu Vadakkuvasal Chelliamman
Bhadrakali Temple Trust
Thirunainarkurichy
Represented by it's Trustee

2.Mohanakumaran Nair
the present President of 1st petitioner Trust
Mohana Sathanam,
Thirunainarkurichy, Kadiapatanum Village
Kalkulam Taluk, Kanyakumari District

3.B.Sasikumar
Secretary of 1st Petitioner Trust
Vazhaviagathu Puthan Veedu
Thirunainarkurichy, Kadiapatanum Village
Kalkulam Taluk, Kanyakumari District

4.K.J.Sreekumar
Treasurer of the 1st Petitioner Trust
Karungalivilai, Kadiapatanum Village
Kalkulam Taluk
Kanyakumari District

....Appellants/Petitioners



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Vs

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1.The Assistant Commissioner
H.R. & C.E. (Administration Department)
Suchindrum, Kanyakumari District

2.The Commissioner
H.R.& C.E. Department
Madras

3.T.V.Kumaran Thambi
(Correspondent of Othapanavilai Hr.Sec.School)
Ramavarmapuram, Nagercoil Village
Agashthiswaram Taluk
Kanyakumari District

....Respondents/Respondents

(Cause title amended vide
Court order dated 14.11.2022)

Prayer:- Review Application filed under Order XLVII Rule 1 of CPC r/w. Section 114 of CPC to review the judgment and decree dated 07.06.2022 passed in SA(MD).No.330 of 2005 and rehear and allow it by setting aside the judgment and decree dated 09.07.2004 passed in A.S.No.47 of 2001 on the file of the Subordinate Court, Padmanabhapuram and confirm the judgment and decree dated 03.06.1999 passed in O.S.No.213/1998 on the file of the Principal District Munsif Cum Judicial Magistrate, Eraniel and thereby decree the said O.S.No.213/1998 as prayed for.

For Appellants : Mr.C.Dhanaseelan

**JUDGMENT**

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The present Review Application has been filed to review the order passed by this Court on 07.06.2022 in S.A(MD).No.330 of 2005.

2.The learned counsel appearing for the Review Applicant had contended that the Nair Community of Thirunainarkurichy Village by themselves constituted a denomination and records have also been filed to establish the fact that they have established the suit temple. According to the learned counsel for the Review Applicant, this aspect has not been taken into consideration which dismissing the second appeal. Hence, he prayed for allowing the review application.

3.I have considered the grounds in the review application and also the pleadings of the parties in the plaint and written statement which has culminated in S.A(MD).No.330 of 2005.

4.There are no pleadings in the plaint to the effect that the Nair Community of Thirunainarkurichy Village constituted a denomination. Even according to the learned counsel for the review applicant, it is



reflected only the pleadings of a different suit which has been marked as an exhibit. Therefore, I do not find any ground to review the order in the above second appeal. The grounds of review will clearly disclose that the review applicant is attempting to re-argue the appeal which is clearly outside the scope of Order 47 Rule 1 C.P.C.

5. Accordingly, the Review Application stands dismissed. No costs.

09.02.2023

Index: Yes/No
Internet: Yes/No
msa



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R.VIJAYAKUMAR, J.

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Pre-Delivery Judgment made in
REV.APLC(MD)No.164 of 2022
in
SA(MD).No.330 of 2005

09.02.2023