



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

REV.APLC(MD)No.39 of 2023

and

CMP(MD)No.7190 of 2023

D.Selvakumar

... Petitioner / Appellant

vs.

1. The Sub Divisional Magistrate cum
Revenue Divisional Officer,
Thanjavur.

2. D.Devasena

3. Ananthakumar

... Respondents / Respondents

PRAYER : Petition filed under Order 47, Rules 1 and 2 and Section 114 of the Civil Procedure Code, against the judgment made in W.A(MD)No.752 of 2014 dated 26.07.2017.

Prayer in WA(MD). 752/ 2014 :

Writ Appeal is filed under clause 15 of the Letters Patent against the order dated 10.04.2014 made in WP(MD)No.9730 of 2013 on the file of this court.

Prayer in WP(MD). 9730/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the records of the impugned maintenance order proceedings in Na.Ka.No. 187/2012/Aa1 dated 25/04/2013, passed by the 1st respondent and quash the same as per se illegal, arbitrary and against the natural justice and equity and consequently direct the 1st respondent to conduct a fair trial on 2nd respondent complaint No. 187/2012 by offering equal opportunity by serving complaint copy with enclosures to the petitionoiner to put forth his defence and further to direct the tribunal to conduct the enquiry and investigation in letter and spirit as mandated by the Tamil nadu Maintenance and Welfare of Parents and Senior Citizens Act 2007 and Rules 2009.



For Petitioner : Mr.M.Sathiamoorthy
For R1 : Mr.A.Baskaran
Additional Government Pleader
For R2 : Mr.A.Sivasubramanian

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ORDER**(Order of the Court was made by R.SUBRAMANIAN, J.)**

The petitioner wants to re-argue the case in the review application. His mother/2nd respondent sought for maintenance before the authority constituted under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. The authority under the Act found that the review petitioner has neglected to maintain his mother and directed him to pay a sum of Rs.2,000/- per month. The order also contained a default clause. This was challenged by the petitioner in W.P(MD)No.9730 of 2013 which came to be dismissed by the Writ Court on 10.04.2014. The main contention before the Writ Court was that the order was passed without giving any notice. The Writ Court rejected the said submission and recorded a factual finding that except one hearing, the petitioner had not appeared before the authority though he had notice of the proceedings. This order of the Writ Court was challenged in W.A(MD)No.752 of 2014. The Division Bench by its judgment dated 26.07.2017 confirmed the order of the Writ Court. The only contention that was raised before the Division Bench was that the Writ Court has not considered the non furnishing of documents relied upon and the factual error has been committed directing the appellant to pay Rs.2,000/- to the 2nd respondent. Finding that the relationship between the parties is not in dispute and the order of the authority granting maintenance at Rs.2,000/- per month is just and reasonable, the appeal was dismissed. The petitioner has filed this review petition to review that judgment.

2. It is pointed out by the learned counsel for the respondent that the petitioner has not paid even a single pie.

3. The learned counsel for the petitioner would submit that he has paid a part amount.

4. A perusal of the review grounds shows that what is sought to be done by the petitioner in the guise of review is to re-agitate the entire issue. Though the petitioner wants to rely upon certain proceedings to show that the mother is capable of maintaining herself, such a contention we find was not raised either before the Writ Court or before the appellate Bench. The petitioner cannot be allowed to raise a completely new ground in the review proceedings. Hence, we do not see any error apparent



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on the face of the record in order to enable us to enter
review application.

5. The Review Application is, therefore, dismissed. No
costs.* Connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar(CS I)

// True Copy //

/07/2023

Sub Assistant Registrar(CS)

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To

The Sub Divisional Magistrate cum
Revenue Divisional Officer,
Thanjavur.

+1 CC to M/s.M.SATHIA MOORTHY, Advocate (SR-29696[F] dated
22/06/2023)

+1 CC to M/s.A.SIVASUBRAMANIAN, Advocate (SR-30266[F] dated
23/06/2023)

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