



C.R.P[NPD].No.698 of 2024
and C.M.P.No.3537 of 2024

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2024

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRP[NPD].No.698 of 2024
and C.M.P.No.3537 of 2024

1.M/s.Sri Murugan Hardwares,
Partnership Firm, No.220/1A, Thiruvallur High Road,
Chunkuvarchatram – 602 106.

2.M/s.Sri Murugan Hardwares,
Rep. by its Partner P.Mohan,
No.220/1A, Thiruvallur High Road,
Chunkuvarchatram – 602 106.

3.M/s.Devaraj Ship Firm,
Chunkuvarchatram,
Partner of Sri Murugan Hardwares,
No.220/1A, Thiruvallur High Road,
Chunkuvarchatram – 602 106.

... Petitioners

Versus

M/s.M.R.L. Steel Syndicate,
Registered Partnership Firm,
Rep by their Power Agent Mr.R.Murugan
S/o.Mr.Raji
No.1, Roaj Nagar, Bazaar Read,
Madhavaram, Chennai 600 060.
(Substituted as Power Agent of the
plaintiff's firm as per order in I.A.No.2 of
2021 at 24.06.2022)

... Respondent



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PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order passed in un-numbered review petition in S.R.No.98060 of 2023 dated 03.01.2024 in O.S.No.6897 of 2011 dated 31.08.2023 on the file of the XIII Asst. City Civil Court, Chennai.

For Petitioners : Mr.R.Balasubramanian

For Respondent : Mr.J.R.K.Bhavanatham

ORDER

Challenging the impugned order dated 03.01.2024, rejecting the application filed to review the judgment in O.S.No.6897 of 2011, the present Civil Revision Petition has been filed.

2.Originally a suit in O.S.No.6897 of 2011 was filed by the respondent/plaintiff against the petitioners/defendants for recovery of sum of Rs.1,08,000/- towards supply of 400 bags of Zuari cement on the credit basis, but later the defendants failed to make the payment. The respondents filed a Written Statement, denying their liability. According to the defendants, they have not placed any such order on the basis of the



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invoice relied by the plaintiff. Based on the said pleadings, the following four issues were framed by the trial Court:-

- “1. Whether the plaintiff is entitled the sum of Rs.1,37,160/- with 24% interest for Rs.1,08,000/- from the defendants?
2. Whether the suit filed by power agent of plaintiff is not maintainable as averred in the written statement?
3. Whether the defendants had not placed any order to plaintiffs and not liable to pay any amount?
4. What other reliefs?”

3. Considering the evidence and the documents produced by either parties, the suit has been decreed on 31.08.2023. Thereafter, the petitioners herein, have moved an application, seeking to review the judgment. The trial Court dismissed the review application at S.R. Stage itself. Questioning the same, the present Revision Petition has been filed.

4. On perusal of the review application, it appears that the petitioners have canvassed very many grounds including that without placement of order and supply of goods and acknowledgement for receipt of goods, how the payment can be claimed and even an illiterate also laughing at this



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decree and the Court below acted as the Advocate of the plaintiff with confused state of mind even without capacity of the ruling of the Madras High Court in 1996(1) CTC 415 and failed to apply its mind and according to law and decreed the suit with ulterior motive, etc. These grounds, in the opinion of this Court, are beyond the scope of the review petition. In order to entertain the review there must be a mistake or an error apparent on the face of the judgment. In the present case, the petitioner has not pointed out any such apparent error on the face of the judgment, but contended that the trial Court has not properly dealt with the matter as the respondent/plaintiff has never supplied the goods and the same were not acknowledged by the petitioners/defendants and the respondent/plaintiff has no *locus standi* to file the suit and he has suppressed the facts and came to the Court with unclean hands. It appears that the petitioner, under the guise of review, is virtually attempting to re-argue the entire matter, which cannot be entertained. If such review is permitted merely because the party is not satisfied with the judgment of the trial Court, then, there would be no ending process and instead of preferring appeals, the parties would resort to filing the review applications. Hence, I do not find any merits in the review application. If



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at all the petitioners are aggrieved by the judgment and decree of the trial Court, they ought to have preferred an appeal, which has not been done so.

5.In the result, this Civil Revision Petition is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

18.12.2024

Index: Yes/No
Internet: Yes/No
rst

To:

The XIII Asst. Judge, City Civil Court,
Chennai.



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