



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2024

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

Review Application No.4 of 2024

P.Arumai Chandran

.. Applicant

vs.

P.Rajasekar

..Respondent

Review Application filed under Oder XLVII Rule 1 read with Section 114 of CPC against the order dated 27.09.2022 in C.R.P (PD) No.3917 of 2019 .

For Applicant : Mr.Vijayan
for M/s.King and Partridge

For Respondent : Mr.S.Sathyaseelan

JUDGMENT

The ground of review is that the suit had been dismissed for default on 16.08.2016 and it was restored only on 17.08.2017. According to Mr.Vijayan, his client parted with the satellite rights only on 12.10.2016 when there was no order of injunction in force. On this basis, he would plead that the order passed by this Court on 27.09.2023 has to be reviewed.



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2. Order XLVII Rule 1 of CPC is not a provision for appeal in disguise. It is based on very limited and restricted jurisdiction. These facts were available with Mr.Vijayan's client on the date on which the revision was heard on 27.09.2023. I am to review my order only when there is an error apparent on the face of the record or on discovery of new and important facts. The order was pronounced on the basis of the facts which was presented before the Court on that day and this fact was not brought to the notice of the Court. It is neither a new fact or do I find any error apparent on the face of the record. Therefore, I do not find any reason to review the order. If this ground is available if at all, it is a matter for appeal and not a matter for review. Hence, review application stands dismissed.

3. At this stage, Mr.Vijayan, expresses an apprehension that as this Court has found that the petitioner has breached the order of injunction, it will have ramifications in the suit. It is too well settled that an order passed in the interlocutory application will not affect the rights of the parties which has to be decided on its own merits. Therefore, even that apprehension of Mr.Vijayan is unfounded.



4. In fine, Review Application No.4 of 2024 is dismissed. There

shall be no order as to costs.

01.02.2024

Index: Yes/No

Neutral Citation: Yes/No

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V. LAKSHMINARAYANAN, J.

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