



Rev.Applc.(MD)No.147 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 03/12/2024

CORAM

The Hon'ble Mr.Justice **G.ILANGOVAN**

Rev.Applc(MD)No.147 of 2024

M.S.Sethuraman : Petitioner/Petitioner/
Plaintiff

Vs.

M.G.Seenivasa Konar (Died)
Amirthalakshmi (Died)

1.S.Gopalakrishnan @ Kannan

Saraswathi (Died)

2.Thulasiyammal @ Jothi

M.G.Rengaraj (Died)

3.Chandrasekar

4.R.Elumalai

5.G.Kalaiselvi

6.Saraswathi

7.Yasodha

8.Aandal

9.Leelavathi

: Respondents/R3,R5,R7 to R13/
Defendants 3, 5, 7 to 13

(The Respondents 5 & 7 to 13
are given up)

PRAYER:-This Review Application has been filed under Article 114 of the Constitution of India and under Order 47 Rule 1 and 2 of the Civil Procedure Code, to allow this review petition and to set aside the order passed in CRP(MD)No.1699 of 2022 and the fair and decretal order, dated 24/03/2022 passed in IA No.11 of 2021 in OS No.85 of 2008 on the file of the II Additional District Judge, Trichy.



WEB COPY



Rev.Aplc.(MD)No.147 of 2024

For review applicant : Mr.M.S.Sethuraman
(Party in person)
For R1 and R5 : Mr.K.S.Kathiravan
For R3,R4,R6 to R9 : Mr.S.Manikandan
For 2nd Respondent : No appearance

O R D E R

This review application has been filed to review the order, dated 12/06/2024 passed in CRP No.1699 of 2023 by this court.

2.The facts in brief:-

CRP(MD)No.1699 of 2023 was filed by this review applicant against the order, dated 24/03/2022 passed in IA No.11 of 2011 in OS No.85 of 2008 on the file of the II Additional District Judge, Trichy contending that the order passed by the trial court is not sustainable in the light of the facts narrated in the petition.

3.After hearing the review applicant and the respondents herein, a detailed order was passed, dated 12/06/2024 dismissing the revision petition.

4.Dis-satisfied and finding some fault and mistake in the above said order, this review application is filed.



5.The review applicant appeared as party in person.

He would say that there is error apparent on the face of the records; this court has not considered the order passed by the Coordinate Bench of this court in CRP (MD)No.2049 of 2021.

6.Apart from that the grounds are the repetition of the grounds made in the main revision petition. He is going on repeating the very same averments made in the petition namely IA No.11 of 2011 and the grounds made in the revision petition.

7.Unless there is an apparent error on the face of the record, review will not lie. Under the guise of review application, the review applicant is not permitted to reargue the matter. Only for the limited purpose, the review application can be considered.

8.Perusal of the order passed in the civil revision petition shows that CRP (MD)No.2049 of 2021 was disposed of with a direction to expedite the trial process and dispose of the same within the time stipulated. But actually only CRP (MD)No.788 of 2021 which was filed by this review applicant was disposed of with a direction to the trial court to expedite the trial process. It is



nothing, but a mistake in mentioning the number. But that mistake does not affect the outcome of the revision petition for the simple reason that CRP(MD)No.2049 of 2021 was filed by a third party namely M.V.Sundaram. The above said Sundaram filed IA No.2 of 2019 to implead himself as a party. That was dismissed by the trial court. Against which only, M.V.Sundaram filed the revision petition. While allowing the revision, the Coordinate Bench of this court set aside the order passed in IA No.2 of 2019 and the matter was remitted back to the trial court to pass orders afresh. Actually, the above said revision was opposed by this review applicant stating tat he is not a necessary party. What happened after the above said order, no particulars are available.

9.Whether the trial court allowed IA No.2 of 2019 filed by the above said M.V.Sundaram or not is not clear on records. But the fact remains that the subject amendment petition was not filed in pursuance of the order passed in CRP(MD)No.2049 of 2021. The contention on the part of the review applicant that the order passed by the Coordinate Bench of this court in CRP(MD)No.2049 of 2021 has no relevancy at all.

10.The amendment petition filed by the review applicant was dismissed for valid grounds, that was also



WEB COPY



Rev.Aplc.(MD)No.147 of 2024

came to be confirmed by this court in CRP(MD)No.1699 of 2023. So, the error pointed out by the review applicant has no relevancy for reviewing the order passed in the CRP. In respect of other issues, as mentioned above, the review applicant is not permitted to reargue the matter. There is no question of reconsideration by this court in the review application.

11.So I find absolutely no reason to review the impugned order passed by this court.

12.In the result, this review application is **dismissed**. No costs.

03/12/2024

Index:Yes/No
Internet:Yes/No
er

To,

- 1.The II Additional District Judge,
Trichy.
- 2.The Section Officer,
VR/ER Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Rev.Aplc.(MD)No.147 of 2024

G.ILANGOVAN, J

er

Rev.Aplc (MD) No.147 of 2024

03/12/2024