



Rev.Aplc.(MD).No.11 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT.

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Dated : 20.03.2024

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

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and
M.P.(MD).No.1 of 2014

Malathi

... Petitioner

Vs.

Sivakumar

... Respondent

PRAYER: Review Application has been filed under Order 47 Rule 1 r/w Section 114 of C.P.C., to review the order passed by this Court in C.R.P.(NPD)(MD).No. 2162 of 2013 dated 27.11.2013 by allowing this Review Application.

For Petitioner : Mr.P.Samuel Gunasingh

ORDER

This Review Application has been filed challenging the order dated 27.11.2013 in C.R.P.(NPD)(MD).No.2162 of 2013. Though the review application is of the year 2014, till date the same is not admitted. Hence, this Court perused the impugned order whether any ground is available to admit the



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review application.

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2. The defendant in the suit in O.S.No.57 of 2007, has filed the I.A.No.106 of 2011, on the file of the I Additional District Munsif Court, Kumbakonam, to condone the delay of 1255 days to set aside the exparte decree granted against him to recover the money on pro-note. The same was dismissed by the learned trial Judge and this Court also affirmed the same by passing the detailed order. In paragraph Nos.6 to 10, of the order of this Court, there was a detailed discussion. Therefore, this Court finds no merit to entertain this review petition and there is no error apparent on the face of the record to re-appreciate the facts. Further, there are no fresh materials adduced before this Court to adjudicate the issue. The petitioner's case is not come under the any of the parameter laid down by the Hon'ble Supreme Court in the case of ***Kamlesh Verma v. Mayawati***, reported in ***(2013) 8 SCC 320 page 333***, which reads as follows:

20.2. When the review will not be maintainable:

- (i) A repetition of old and overruled argument is not enough to reopen concluded adjudications.*
- (ii) Minor mistakes of inconsequential import.*
- (iii) Review proceedings cannot be equated with the original hearing of the case.*
- (iv) Review is not maintainable unless the material error, manifest on the face of the order, undermines its soundness or results in miscarriage of justice.*



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(v) A review is by no means an appeal in disguise whereby an erroneous decision is reheard and corrected but lies only for patent error.

(vi) The mere possibility of two views on the subject cannot be a ground for review.

(vii) The error apparent on the face of the record should not be an error which has to be fished out and searched.

(viii) The appreciation of evidence on record is fully within the domain of the appellate court, it cannot be permitted to be advanced in the review petition.

(ix) Review is not maintainable when the same relief sought at the time of arguing the main matter had been negatived.

4. Accordingly, this review application stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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K.K.RAMAKRISHNAN, J.

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