



*Rev.Aplc.(MD).No.1 of 2015*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT.

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Dated : 25.03.2024

CORAM

**THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN**

Rev.Aplc.(MD).No.1 of 2015

and

M.P.(MD).No.1 of 2015

1.G.Sridhar

2.G.Rajesh

3.G.Senthilkumar

4.N.Sundararajan

5.S.Ramesh

... Petitioners

Vs.

The Commissioner,  
Corporation of Madurai  
Madurai 625 002.

... 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.(MD).No.1541 of 2014 dated 21.08.2014 and allow the present Review Application.

For Petitioner : No appearance

For Respondents : Ms.S.Devasena



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### **ORDER**

This Review Application has been filed by the petitioner to review the order passed by this Court in C.R.P.(MD).No.1541 of 2014 dated 21.08.2014.

2. After being numbered, this petition has been pending for admission till date. During the last occasion, the learned counsel for the petitioners appeared before this Court and this Court directed him to argue the matter for admission.

3. This Court on perusal of the impugned order, finds no error apparent on record. The learned Judge of this Court has considered the issue in the suit and condoned the delay of 549 days. Further, the learned Judge of this Court has also considered the matter involved in this review application. Hence, the learned Judge has also relied the judgment of the Hon'ble Supreme Court in the case of ***N. Balakrishnan v. M. Krishnamurthy***, reported in ***1998 7 SCC 123***.

4. Considering the precedents laid down by the Hon'ble Supreme Court, the learned Judge condoned the delay and also was satisfied with the reasons stated by the petitioners in C.R.P.(MD).No.1541 of 2014. Hence, this Court finds no merits in this case and this case does not fall under the guidelines issued by



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the Hon'ble Supreme Court in the case of Kamlesh Verma v. Mayawati, reported in (2013) 8 SCC 320 page 333 and this Court is not inclined to admit this review application.

**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.*
- (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.*



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5. 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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