



Rev.Aplc(MD) No.159 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2024

CORAM : JUSTICE N.SESHASAYEE

Review Application (MD) No.159 of 2022

and

C.M.P.(MD) No.11597 of 2022

M.Karthikeyan

... Review Petitioner/
1st Respondent/
Appellant/Plaintiff

Vs

1.B.Parameswari

2.M.Umamaheswari

3.B.Anantha Pandi

4.B.Ashok Pandi

... Respondents 1 to 4/
Appellants/Respondents 1 to 4/
Defendants 1 to 4

5.Sub Registrar,
Madurai South,
Madurai.

... 5th Respondent/
2nd Respondent/5th Respondent/
5th Defendant

Prayer:- Review Petition filed under Order 47 Rule 1 of Civil Procedure Code to review the judgment and decree dated 23.09.2022 passed in S.A.(MD) No.265 of 2014.



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For Appellant : Mr.V.Ramakrishnan

For Respondent : Mr.K.K.Samy – for RR1 to 4

ORDER

Heard the learned counsel for the review petitioner/plaintiff.

2. The learned counsel for the plaintiff tried to take this Court through certain aspects and evidences and certain consequences that flows out of it. They may not be considered in a review petition for the ambit of review, which is confined to error apparent on the face of the record. If certain conclusions are entered based on the same, then it is a matter on merit and this Court may not re-visit the same.

3. The learned counsel for the plaintiff submitted that he never had an opportunity to defend the intent of the Court to slap a cost of Rs.1,00,000/- and would consider it as the audacity of the plaintiff in instituting the suit. He submitted that while the plaintiff submits to the rule of the Court, yet his integrity may not be suspected and that he might not be banished. He



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submitted that cost of Rs.1,00,000/- imposed on the plaintiff may be reviewed.

4. The learned counsel for the plaintiff also added that this cost may go beyond the jurisdiction of this Court under Section 35A of the Civil Procedure Code.

5. Heard the learned counsel for respondents 1 to 4.

6. This Court perused the judgment in S.A.(MD) No.265 of 2014 carefully and finds that even without the Court imposing the costs of Rs.1,00,000/- on the plaintiff, the judgment would still to be intact. After all, Courts are here established to decide causes and not to judge parties and this Court decides to take a lenient view *vis-a-vis* the role of the plaintiff.

7.1 Accordingly, it drops the first sentence at paragraph 14 of the judgment dated 23.09.2022 and the first two words of the second sentence are also



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dropped. Instead, the second sentence will open with the statement “The learned counsel for the plaintiff”.

7.2 In paragraph 16 of the judgment dated 23.09.2022, the following sentences are also dropped:

“This Court imposes an additional cost of Rs.1,00,000/- on the plaintiff for playing fraud on the court, which amount is directed to be deposited to the Chief Justice Relief Fund. The Registrar General of this Court is required to take such necessary steps to realise the same.”

As to the rest, the judgment of this Court dated 23.09.2022 will remain intact.

8. In the result, this Review application is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
NCC: Yes / No
abr

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To:

The Sub Registrar,
Madurai South,
Madurai.



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N.SESHASAYEE, J.

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