



Rev.Appl.No.39 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 06.03.2025

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

Rev.Appl.No.39 of 2025
and CMP.No.5602 of 2025

D.Gunasekaran

1.Minor G.Shruthi

2.Minor G.Janani

(Both are represented by
their Mother and guardian G.Lalitha)

.. Petitioners

Versus

1.G.Nithya

2.G.Balakannan

3.D.Sukumar

4.D.Ravichandran

Hamsabai (deceased)

.. Respondents

Petition is filed under Section 114 of the Civil Procedure Code r/w Order 47 Rule 1 to review the order dated 30.01.2025 passed in CRP(NPD).No.266 of 2025.

For Petitioner : Mr.V.Raghavachari, Senior Counsel
for Mr.T.Balaji

For Respondents : Mr.M.Govindaraju

ORDER

This review has been filed to review the order of this Court dated 30.01.2025, wherein, this Court has directed the Trial Court to dispose of the



final decree proceedings within a period of four months. While disposing the revision petition, this Court also recorded the following facts:

“4.1 Be that as it may, almost 14 years had elapsed, therefore, this Court is of the view that no useful purpose would be achieved in keeping the Application pending, which has been filed on 17.06.2022. If at all, the respondents/judgment debtors have intention to file review against the judgment and decree passed in the First Appeals, they ought to have done the same by this point of time, and in the absence of the same, the revision petitioners/decreed holders cannot be denied the benefit of relishing the fruits of the preliminary decree passed in their favour, wayback in the year 2010 itself, i.e on 30.06.2010. Therefore, this Court is inclined to direct the learned Trial Court to dispose of the Application filed for passing the final orders.”

2. The only contention of the learned counsel for the applicant is that since the review is already pending to recall the appeal judgment before another bench, a direction to dispose of the final decree proceedings within a period of four months has to be recalled.



Rev.Appl.No.39 of 2025

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4. At the outset, this Court is of the view that such a direction cannot be recalled. There is no error apparent on the face of record. Merely because the review is pending in the main matter that cannot be a ground further, as against the appeal judgment, SLP is also dismissed vide order dated 17.04.2023 granting liberty to the judgment debtor to file a review. Therefore, merely because the review has been filed, it is for the petitioner to work out his remedy to expedite the review before the bench without doing so, as a matter of right, order of direction passed by this Court cannot be recalled.

5. In view of the above, this review stands dismissed. No costs. Consequently, connected miscellaneous petition stands closed.

06.03.2025

Index : Yes/No

Internet : Yes/No

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To

1. The I Additional District and Sessions Judge
Vellore

2. The Section Officer

<https://www.mhc.tn.gov.in/judis>



VR Section, Madras High Court

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Rev.Appl.No.39 of 2025

N.SATHISH KUMAR, J.

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Rev.Appl.No. 39 of 2025