



C.M.P.No.7913 of 2023 & Rev.A.SR.No.30847 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2025

CORAM

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

C.M.P.No.7913 of 2023
&
Rev.A.SR.No.30847 of 2023

Babu Nelagandan

...Petitioner/Appellant

Vs.

Tamilarasi

...Respondent/Respondent

C.M.P.No.7913 of 2023

Civil Miscellaneous Petition filed under Section 151 CPC to dispense with the production of certified copy of the common order Passed in CRP.No.2573/2017 and 1708/2019 dated 05.12.2022.

Rev.Application SR.No.67837 of 2022

Review Application filed under Order 47 Rule 1 r/w Section 114 of C.P.C. to review the order passed in CRP.No.2573/2017 dated 05.12.2022.

For Petitioner/Appellant : Mrs.Meenal
for Mr.P.Ananda Kumar



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ORDER

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The above Civil Miscellaneous Petition has been filed to dispense with the production of certified copy of the common order passed in CRP.Nos.2573/2017 and 1708/2019 dated 05.12.2022. The Review Application has been filed to review the order passed in above Civil Revision Petitions.

2. The impugned order in the above CRP.No.1708/2019 is the dismissal order passed by the trial Court, whereby the prayer of the defendant to receive the additional written statement was rejected. In CRP.No.2573/2017, the revision petitioner has challenged the order of the trial court passed in I.A.No.1499/2016 wherein the revision petitioner/defendant was directed to execute security in favour of the plaintiff as a precondition to set aside the exparte order passed against him.

3. This Court, taking into consideration that no reasonable cause was stated in the said I.A petition for filing additional written statement and also finding that the order directing the defendant/revision petitioner to furnish security would categorically assert that he would produce and place the property at the disposal of the Court as and when required by the Court, confirmed the order passed by the trial court by



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4. Learned counsel for the petitioner brought to the notice of this Court, the order passed by the Hon'ble Supreme Court at page No.44 of the typed set of papers, in which, in an appeal filed by the petitioner in Special Leave to Appeal (C).Nos. 3703-3704/2023 dated 24.02.2023, the petitioner had sought permission to withdraw the appeal with liberty to file a review petition. A review can be filed only if there is an error apparent on the face of record.

5. At this juncture, it is relevant to refer to the decision of this Court reported in **2018 (3) CTC 122 [D.Rajappa and another Vs. State of Tamil Nadu, rep. By its Secretary to Government, Housing and Urban Development Department, Secretariat, Fort St.George, Chennai-9]** wherein it is held that differing view disturbing the finality of judgment is not permissible in review.

6. In the case on hand, there is no error apparent on the face of record to review the order passed by this Court in the said Civil Revision Petitions. The review Court cannot entertain the arguments touching the merits and demerits of the case and cannot take a different view disturbing the finality of the order.



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7. In such view of the matter, this Court is not inclined to review the order dated 05.12.2022 passed by this Court. Accordingly, C.M.P. No.7913 of 2023 is dismissed. Consequently, Review Application is rejected at the SR stage itself. No costs.

Index : Yes / No
Internet : Yes
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J. NISHA BANU, J.

vsi

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