



Rev.Appl.No.112 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 24.11.2025

PRONOUNCED ON : 19.12.2025

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Rev.Appl.No.112 of 2025

Malini Ganesh

... Petitioner

Vs.

Simplex Infrastructure Limited
Rep. By Mr.Swaminathan,
Executive Chairman,
Simplex House,
No.27, Shakespeare Sarani,
Kolkata, West Bengal – 700 017.

... Respondent

PRAYER: Review Application filed under Section 114 read with Order 47 Rules 1 and 2 of CPC to review the order passed on 31.07.2024 in C.M.P.No.15967 of 2024 in C.R.P.Sr.No.88712 of 2024 and correct the cause title of C.R.P.No.3285 of 2024 as in the impugned order of the Trial Court dated 10.06.2024 in I.A.No.3 of 2024 and in the final order of this Court dated 21.02.2025.

For Petitioner : M/s.Malini Ganesh
Party-in-Person



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ORDER

The petitioner/party-in-person filed this review application to review the order passed on 31.07.2024 in C.M.P.No.15967 of 2024 in C.R.P.Sr.No.88712 of 2024 and correct the cause title of C.R.P.No.3285 of 2024 as in the impugned order of the Trial Court dated 10.06.2024 in I.A.No.3 of 2024 and in the final order of this Court dated 21.02.2025.

2.The brief facts of the case is that the petitioner as plaintiff filed a suit in O.S.No.5988 of 2023 for recovery of money. The petitioner engaged by the respondent as Advocate for professional service. Towards her professional service, the petitioner raised invoices on the respondent. The respondent defaulted in payment of professional fees and there was outstanding unpaid professional charges, for which, suit was presented for recovery of Rs.82,81,446/- along with interest. The suit presented on 25.09.2023, it was returned and re-numbered on 07.10.2023. Court notice ordered but summons could not be served and private notice was ordered on 10.10.2023. The respondent filed vakalatnama on 13.10.2023 and notice of appearance was filed on 27.11.2023 in the suit. On 06.06.2024, the

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respondent filed two interlocutory applications in I.A.Nos.3 and 4 of 2024 and the Trial Judge dismissed the same by order dated 10.06.2024. In the suit plaint, petitioner arrayed respondent Simplex Infrastructure Limited represented by Executive Chairman. The respondent while filing Civil Revision Petition aggrieved against the dismissal order of I.A.No.3 of 2021 preferred substitution petition in C.M.P.No.15967 of 2024 in C.R.P.Sr.No.88712 of 2024 seeking substitution of authorised signatory Mr.R.Swaminathan, Assistant General Manager to represent M/s.Simplex Infrastructure Pvt. Ltdd instead of Mr.Rajiv Mundra, Executive Chairman, to represent the Company following the Board resolution dated 10.12.2021. At that time, the petitioner as Caveator appeared, made her objections. This Court ordered substitution petition on 31.07.2024, thereafter Civil Revision Petition numbered, listed and adjudicated, petitioner participated in the proceedings and this Court after hearing the petitioner and respondent in detail, dismissed the Civil Revision Petition on 21.02.2025. Thereafter, the present review application filed.

3.The contention of the petitioner appearing party-in-person is that the respondent by fraudulent act, meddled with the cause title and made

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correction in the cause title, copies not served to her and it came to petitioner's knowledge only through the web copy of the order dated 21.02.2025. The petitioner as plaintiff had no occasion to discover this fraud earlier though she participated in the CRP proceedings. She was neither informed the change in cause title nor any amendment petition served to the petitioner. The petitioner came to know about the correction in the cause title only after downloading the order copy from the website.

4.In fact the petitioner requested the counsel for the respondent to share a copy of the affidavit and the petition, the same was shared only on 20.03.2025, thereafter the review application filed within 30 days from the date of knowledge and hence, there is no delay.

5.She further submitted that the inherent powers under Section 151 CPC does not extend to permit the respondent to insert any change in the cause title as per their Board resolution. The respondent failed to follow due procedure as prescribed under Order VI Rule 17 of CPC, grave error permitted to happen by substituting the name of the Executive Chairman representing the Company and inserting the authorised signatory. By



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substituting the Assistant General Manager Mr.Swaminathan instead of Mr.Rajiv Mundra, Executive Chairman of the Company, the very character of the suit changed and it is the Assistant General Manager who becomes answerable for the suit claim instead of the Executive Chairman. This Court though at the SR stage in CRP recorded that the petitioner/party-in-person got serious objections in allowing the petition but not mentioned what are the objections raised by her. Thus the respondent tampered the cause title behind the back of the petitioner in the CRP based on their internal Board resolution of the year 2021. Hence the present petition filed.

4.This Court heard the petitioner appearing in person, who is a Senior Advocate, put in 53 years of service. The Senior Advocate as Caveator raised objections even at the CRP SR stage when it listed for admission. This Court finding that the defendant in the suit is the Company represented by Executive Chairman, now there was a prayer to substitute the representative and by that the character, responsibility, liability does not change or get altered further throughout the proceedings before the Trial Court, it is the Assistant General Manager defending the suit throughout and taking part in all proceedings for the Company and the representative



character alone is substituted, hence allowed the substitution petition by order dated 31.07.2024. Thereafter, the petitioner as respondent in C.R.P.No.3285 of 2024 participated all through the proceedings, the CRP was reserved for orders on 31.01.2025 and final order was passed on 21.02.2025, five months thereafter. The petitioner is claiming that it is an error apparent to be reviewed which is not sustainable.

5.The Division Bench of this Court in the case of ***Tamil Nadu Fireworks and Amorges Manufacturers Association vs. The Principal Secertary to Government, Department of Labour and Employment, Fort St.George, Chennai and 3 others (Rev.Appl.(MD).No.148 of 2014 dated 19.09.2014)*** referring to the judgment of the Apex Court reiterated the principles, which is as follows:

“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, undermine its



soundness or results in miscarriage of justice.

(v) A review is by no means an appeal in disguise whereby an erroneous decision is re-heard 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.”

6.Further, the Apex Court in the case of ***Malleeswari vs. K.Suguna and another*** reported in ***2025 SCC Online SC 1927***, wherein it is held as follows:

“15.It is axiomatic that the right of appeal cannot be assumed unless expressly conferred by the statute or the rules having the force of a statute. The review jurisdiction cannot be assumed unless it is conferred by law on the authority or the Court. Section 114 and Order 47, Rule 1 of



CPC deal with the power of review of the courts. The power of review is different from appellate power and is subject to the following limitations to maintain the finality of judicial decisions:

15.1.The review proceedings are not by way of an appeal and have to be strictly confined to the scope and ambit of Order 47 Rule 1 of CPC.

15.2.Review is not to be confused with appellate powers, which may enable an appellate court to correct all manner of errors committed by the subordinate court.

15.3.In exercise of the jurisdiction under Order 47 Rule 1 of CPC, it is not permissible for an erroneous decision to be reheard and corrected. A review petition, it must be remembered, has a limited purpose and cannot be allowed to be an appeal in disguise.

15.4.The power of review can be exercised for the correction of a mistake, but not to substitute a view. Such powers can be exercised within the limits specified in the statute governing the exercise of power.

15.5.The review court does not sit in appeal over its own order. A rehearing of the matter is impermissible. It constitutes an exception to the general rule that once a judgment is signed or pronounced, it should not be altered. Hence, it is invoked only to prevent a miscarriage of justice or to correct grave and palpable errors.”



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7.Thus, from the above it is clear that there is no error apparent on the face of the record and there is no ground to entertain the review application.

Accordingly, the review application stands dismissed. No costs.

19.12.2025

Index:Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation: Yes/No
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To

Simplex Infrastructure Limited
Rep. By Mr.Swaminathan,
Executive Chairman,
Simplex House,
No.27, Shakespeare Sarani,
Kolkata, West Bengal – 700 017.



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M.NIRMAL KUMAR, J.

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Pre-delivery order made in

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