



Rev.Aplc(MD). No.94 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 26/06/2025

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

**Rev.Aplc (MD). No.94 of 2025 and CMP(MD)No.8367 of 2025
in CRP(MD) No.2397 of 2024**

G.Saravanan

... Petitioner

Vs

K.Gopalakrishnan

... Respondent

PRAYER :-Review Application is filed under Order 47 Rule 1 and 2 and Section 114 of the Code of Civil Procedure to review the order dated 22.01.2025 in CRP(NPD) (MD) No.2397 of 2024.

For Petitioner : Mr.G.Saravanan
Petitioner in person

ORDER

The Review application is filed to review the order dated 22.01.2025 made in CRP(MD) No.2397 of 2024.

2. Since no adverse orders are going to be passed against the respondent, notice to the respondent is dispensed with.



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3. The petitioner is the judgment debtor against whom the respondent filed a suit in OS No.83/13 for recovery of possession and costs before the Additional District Munsif Court, Sankarankoil and the suit was decreed as prayed for vide judgment and decree dated 19.12.2014. For execution of the decree, the respondent filed EP No.34 of 2015 and vide order dated 21.09.2016, delivery was also ordered. At the time of delivery, revision petitioner was not present. The movable properties which were available in the property were handed over to the decree holder by Ameen on 27.12.2016. At the time of delivery, the Ameen took inventory of the properties. Later E.A.No.1 of 2020 was filed by the decree holder seeking permission of the Court to hand over the articles delivered by the Ameen to the Court for further proceedings. The Civil Revision Petition is filed against the order in EA No.1/2020 in EP No.34 of 2015. The said Civil Revision Petition came to be dismissed vide order dated 22.01.2025, against which, the present Review Petition has been filed.



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4. The petitioner has made several allegations as were made in the Civil Revision Petition, which are not relevant to the present review application. The present petition is filed only to review the order dated 22.01.2025.

5. It is seen that no appeal has been filed against the judgment and decree passed by the trial Court in the original suit. Without exhausting the appeal remedy, the petitioner has made several allegations to the effect that initially he engaged an Advocate and he undertook to conduct the case, however, has not chosen to appear before the Court and conduct the case and hence, the petitioner has lost his case before the trial court. Apart from this allegation, the petitioner has also raised an allegation that he was not examined before the trial Court in the suit proceedings, execution petition and subsequently in the EA proceedings.

6. In EP proceedings, on hearing the petitioner and respondent, the trial Court passed the order. However, the petitioner has now turn around and contend that he was not aware of any of the proceedings and the learned counsel for the respondent has given a wrong address of the



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respondent. He would also allege that earlier in the suit proceedings, the petitioner was not served with any notice.

7. It is well settled that a review against an order passed could be taken up and decided only with reference to the errors apparent on the face of the record and not otherwise. If the party is not successful before this Court, he/she has to approach the higher forum and under the guise of review, the petitioner cannot be allowed to reagitate the whole issue. A Court may accept a review petition when a glaring omission or patent mistake or like grave error has crept in earlier by judicial fallibility. When a review takes place, the Court will not take fresh stock of the case but just correct grave errors that have resulted in the miscarriage of justice. Also, [judicial review](#) can only correct a “*patent error*” and not “*minor mistakes of inconsequential import*”. In the ***Union of India v. Sandur Manganese & Iron Ores Ltd. (Rev. Ptn. (C) No.739/2012 – Dated 23.04.2013***), the Apex Court laid down nine principles on when a review is maintainable. The Apex Court held that a review is by no means an appeal in disguise whereby an erroneous decision is reheard and corrected but lies only for patent error.



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8. In the present case, the non-grant of opportunity to the petitioner is projected as a ground for this Court to entertain the present review petition. Apart from that, no valid ground, as laid down by the Apex Court, is raised to review the order. From the order dated 22.01.2025, it is seen that there is no error apparent on the face of the record to entertain the review application under Order 47 Rule 1 of the Code of Civil Procedure. When there is no error apparent on the face of record in the order dated 22.01.2025, the Review Application is liable to be dismissed. Accordingly, the same is dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

26.06.2025

NCC : Yes/No

Index : Yes/No

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M.DHANDAPANI,J

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**ORDER
IN
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