

C.R.P.(MD)No.1581 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.07.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.[PD].(MD)No.1581 of 2022

1.Nesamma
2.Anitha
3.Ajitha Kumari
4.Bennet Murugesan
5.Yesudhas

... Petitioners

Vs.

Robert

...Respondent

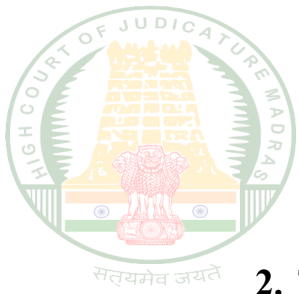
PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to allow the Civil Revision Petition and set aside the order and decretal order in I.A.No.4 of 2022 in O.S.No.498 of 2010 on the file of the II Additional District Munsif Court, Kuzhithurai, dated 27.04.2022.

For Petitioner : Mr.V.M.Balamohan Thambi

For Respondent : Steps due

ORDER

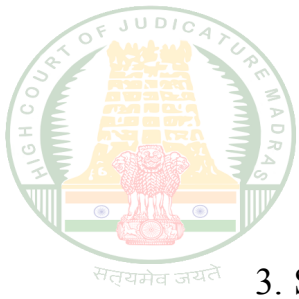
This petition has been filed seeking to set aside the order, dated 27.04.2022 made in I.A.No.4 of 2022 in O.S.No.498 of 2010, II Additional District Munsif Court, Kuzhithurai.



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2. The case of the petitioners is that they filed a suit in O.S.No.498 of 2010, on the file of the II Additional District Munsif, Kuzhithurai for declaration of title and possession and for permanent injunction against the respondent. In the said suit, the respondent filed I.A.No.202 of 2015 for appointment of Advocate Commissioner to note down the physical features of the suit property. The learned District Munsif allowed the said application by appointing the Advocate Commissioner. Against which, the petitioners filed C.R.P.No.2307 of 2015 before this Court. Pending civil revision petition, the Advocate Commissioner filed the Commissioner Report and plan. On 11.03.2019 this Court dismissed the Civil Revision Petition and granted liberty to the petitioners to approach the trial Court to file a re-issue of Advocate Commissioner petition. As per the order of this Court, the petitioners filed I.A.No.1 of 2021 for re-issue the Advocate Commissioner. The trial Court without considering the affidavit of the petitioners and order in C.R.P.No.2307 of 2015 dismissed the I.A.No.1 of 2021. Thereafter, the petitioners filed I.A.No.4 of 2022 before the trial Court seeking to review the order dated 21.04.2022 made in I.A.No.1 of 2021 and the said petition was also dismissed on the very same day. Aggrieved against the said order of dismissal, the petitioners have filed the present Civil Revision Petition.



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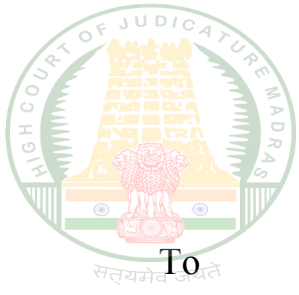
3. Sole respondent died. Steps due. Since no adverse order is going to be passed as against the respondent impleading the legal heirs need not be required at this stage and the petitioners are directed to take steps to implead the legal heirs of the respondent before the trial Court.

4. I am of the considered view that the earlier order of the Court can be reconsidered, only if there is an error apparent on the face of the record and in that event, the said error can be rectified. Otherwise, a Review Application is not at all maintainable. In the present case, the trial Court considered all the materials on record and arguments of the learned counsel for the petitioner and the respondent had passed orders on merits. The learned Judge exercised his power conferred on him and there is no illegality or irregularity warranting interference by this Court.

5. Accordingly, the Civil Revision Petition is dismissed. No costs.

21.07.2025

Internet: Yes/No
Index: Yes/No
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To

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- 1.The II Additional District Munsif Court,
Kuzhithurai.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

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