

C.M.P.(MD)No.16306 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 03.04.2025

CORAM

THE HON'BLE MRS.JUSTICE **J.NISHA BANU**
and
THE HON'BLE MR.JUSTICE **R.VIJAYAKUMAR**

C.M.P.(MD)No.16306 of 2024
in
REV.APLC(MD)SRNo.77821 of 2024
and
REV.APLC(MD)SRNo.77821 of 2024

1.The Government of Tamilnadu,
represented by its Secretary to Government,
Forest and Environment Department,
Fort St.George, Chennai – 9.

2.The Principal Chief Conservator of Forest,
Panagal Building,
Saidapet, Chennai – 15.

3.The District Forest Officer,
District Forest Office,
Tirunelveli.

... Petitioner in both cases

-VS-

1.R.Subramaniyapandiyan

2.The Principal Accountant General of Tamilnadu,
Teynampet, Chennai – 18. ... Respondents in both cases



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Prayer : This Miscellaneous Petition is filed under Section 5 of the Limitation Act to condone the delay of 245 days in filing the above Review Petition against the order made in CMP(MD)No.14122 of 2023 in W.A.SR(MD)No.73643 of 2023, dated 18.01.2024.

Prayer: This Review Application is filed under Section 114 and Order 47 Rules 1 and 2 CPC to review the order passed by this Court in CMP(MD)No.14122 of 2023 in W.A.SR(MD)No.73643 of 2023, dated 18.01.2024.

For Petitioner :Mr.S.S.Madhavan
Government Advocate

ORDER

J. NISHA BANU, J.
and
R.VIJAYAKUMAR, J.

This petition has been filed to condone the delay of 245 days in filing the Review Application against the order passed by this Court C.M.P(MD)No.14122 of 2023 in W.A.(MD)SRNo.73643 of 2023, dated 18.01.2024.



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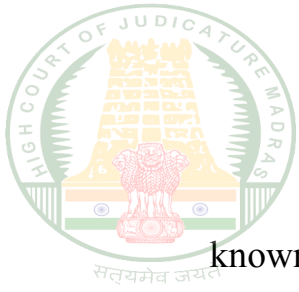
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2.A perusal of the affidavit filed in support of the review application would go to show that the review applicant assails the findings of this Court stating that the judgment is vitiated.

3.The argument of the learned Counsel for applicant/review petitioner is that this Court should re-open the findings recorded in the judgment under review.

4.It is made clear here that review jurisdiction cannot be used for that purpose. This is not the scope of Section 114 read with Order 47 Rule 1 CPC. Power of review can be exercised for correction of a mistake but not to substitute a view.

5.The review is also not an appeal in disguise. In the considered view of this Court, there is no error apparent on the face of the record warranting review of judgement dated 18.01.2024. If the petitioners are aggrieved, they can file an appeal and work out the remedy in the manner



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known to law. This Court in exercise of review jurisdiction, without sufficient and just reasons, cannot review its own judgment.

6.Further, the averments made in the supporting affidavit are bereft of sufficient cause for condoning the inordinate delay of 245 days in filing the Review Application, which would clearly exhibits lethargic attitude on the part of the petitioners, as such the petitioners are not entitled to indulgence of this Court.

7.In the result, the Civil Miscellaneous Petition is dismissed. No costs. Consequently, connected REV.APLC(MD)SRNo.77821 of 2024 is rejected at SR stage itself.

(J.N.B., J.) (R.V, J.)
03.04.2025

Index : Yes / No
NCC : Yes / No
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