

C.M.P.(MD)No.16470 of 2023

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.16470 of 2023
in
REV.APLC(MD)SRNo.83481 of 2023
and
REV.APLC(MD)SRNo. 83481 of 2023

M.Maruthupandi ... Petitioner in both cases

-VS-

1.The Director General of Police,
Tamilnadu.

2.The Additional Director General of Police,
Guindy, Chennai.

3.The Superintendent of Police,
CCIW, CID, Guindy, Chennai.

4.The Commissioner of Police,
Greater Chennai, Chennai. ... Respondents in both cases

Prayer: This Miscellaneous Petition is filed under Section 5 of the Limitation Act to condone the delay of 222 days in filing the above Review Application against the order passed in W.A.(MD)No.16 of



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2022, dated 28.02.2023.

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Prayer: This Review Application is filed under Order 47 Rule 1 and 2 CPC to review the order passed by this Court in W.A.(MD)No.16 of 2022, dated 28.02.2023.

For Petitioner :Mr.G.Thiruvartselvan
For Respondents :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 222 days in filing the Review Application against the order passed by this Court in W.A.(MD)No.16 of 2022, dated 28.02.2023.

2.Heard the learned Counsel appearing on either side and perused the materials placed before this Court.



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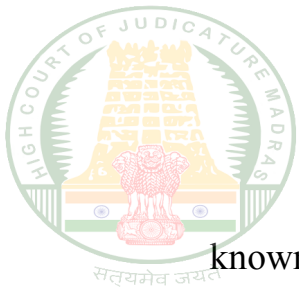
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3.A perusal of the affidavit filed in support of the review application would go to show that the review applicant assails the findings of this Court stating that the judgment is vitiated.

4.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.

5.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.

6.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 petitioner is aggrieved, he 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.

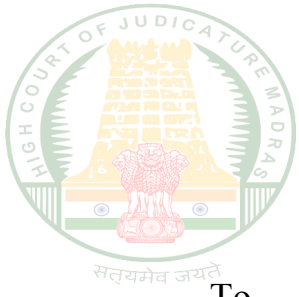
7.Further, the averments made in the supporting affidavit are bereft of sufficient cause for condoning the inordinate delay of 222 days in filing the Review Application, which would clearly exhibits lethargic attitude on the part of the petitioners, as such the petitioner is not entitled to indulgence of this Court.

8.In the result, the Civil Miscellaneous Petition is dismissed. No costs. Consequently, connected REV.APLC(MD)SRNo.83481 of 2023 is rejected at SR stage itself.

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

Index : Yes / No
Internet : Yes / No
NCC : Yes / No

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