



C.R.P.Nos.396 & 1677 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 03.02.2026

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.Nos.396 & 1677 of 2024

and

C.M.P.No.1895 of 2024

1.K.M.Devaki

2.K.Vijayakumar

.... Petitioners in both CRPs

Vs

Prema Dakshina

.... Respondent in both CRPs

Prayer in CRP No.396 of 2024: Civil Revision Petition is filed under Article 227 of Constitution of India, against the order dated 18.07.2023 made in Review Application No.4 of 2018 in I.A.No.495 of 2014 in O.S.No.1189 of 2013 by the Principal District Munsif, Alandur.

Prayer in CRP No.1677 of 2024 : Civil Revision Petition is filed under Article 227 of Constitution of India, against the order dated 24.04.2023 made in I.A.No.3 of 2022 in Review Application No.4 of 2018 in O.S.No.1189 of 2013 by the Principal District Munsif, Alandur.

For Petitioners (in both CRPs) : Mr.T.S.Vijaya Raghavan

For Respondent (in both CRPs) : Mr.N.Manokaran

For M/s.M.Thangadurai

ORDER

CRP No.396 of 2024 has been filed challenging the order passed by the Trial Court dismissing the review application filed by the

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petitioners, seeking review of the order passed by the Trial Court in the application filed by the petitioners under Section 12(2) of the Tamil Nadu Court Fees and Valuation Act, 1955, seeking determination of issue regarding payment of court fee in I.A.No.495 of 2014.

2. CRP No. 1677 of 2024 has been filed by the petitioners challenging the order passed by the Trial Court dismissing the application filed by the petitioners in I.A.No. 3 of 2022 in Review Application No.4 of 2018 seeking to re-open the main review application for the purpose of marking the documents which were filed in I.A.No.495 of 2014.

3. The respondent herein filed a suit for declaration of title and recovery of possession. Not satisfied with the valuation adopted by the respondent in the plaint, the petitioners herein filed I.A.No.495 of 2014 under Section 12(2) of the Tamil Nadu Court Fee and Valuation Act, 1955, seeking determination of the correct court fee. The said application was dismissed by the Trial Court by an order dated 08.12.2017. Aggrieved by the same, the petitioners preferred an instant review application seeking review of the order passed by the Trial Court in I.A.No.495 of 2014. The said application was also dismissed by the Trial Court on 18.07.2023. Hence, the petitioners have come before this Court.



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4. It is not in dispute that the petitioners have challenged only the order passed by the Trial Court dismissing the review application. The order passed by the Trial Court dismissing the I.A.No.495 of 2014 dated 08.12.2017 (i.e., the order under review) has not been challenged in these petitions.

5. The Judgment of the Hon'ble Apex Court in the case of ***Satheesh V.K. Vs. The Federal Bank Ltd*** reported in ***AIR 2025 SC 4554*** equivalent to ***Manu/SC/1318/2025***, wherein it was held that, while considering the maintainability of a challenge to an order dismissing a review application without challenging the original order sought to be reviewed, the Hon'ble Supreme Court observed as follows :

“24. However, the principle underlying Order XLVII Rule 7(1), Code of Civil Procedure may be understood. Whenever a party aggrieved by a decree or order seeks a review thereof based on parameters indicated in Section 114 read with Order XLVII, Code of Civil Procedure and the application ultimately fails, the decree or order under review does not suffer any change. It remains intact. In such an eventuality, there is no merger of the decree or order under review on the order of rejection of the review because such rejection does not bring about any alteration or modification of the decree or order ; rather, it results in an affirmance of the decree or order. Since there is no question of any merger, the



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party aggrieved by the rejection of the review petition has to challenge the decree or order, as the case may be, and not the order of rejection of the review petition. On the contrary, if the petition for review is allowed and the suit or proceedings is placed for rehearing, Rule 7(1) permits the party aggrieved to immediately object to the order allowing the review of in an appeal from the decree or order finally passed or made in the suit, i.e. after rehearing of the matter in dispute.”

6. The law laid down by the Hon’ble Apex Court in the above mentioned decision makes it clear that a person aggrieved by an order dismissing a review application shall challenge the original order under review also and is not entitled to challenge the order dismissing the review application alone. The reason is that if the review application is dismissed, the said order will not merge with the original order under review. On the other hand, if the review application is allowed, the order passed in review proceedings will merge with the original order under review. Therefore, challenge only to the order passed in the review application, without challenging the original order under review, is not maintainable.

7. In the case on hand, the petitioners have challenged only the order dismissing the review application filed by them and failed to challenge the original order under review. Therefore, in view of the law



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laid down by the Hon'ble Apex Court, the Civil Revision Petition is not maintainable.

8. Accordingly, the CRP No.396 of 2024 is dismissed.

Consequently, connected miscellaneous petition is closed. No costs.

9. In view of the order passed by this Court dismissing the CRP No.396 of 2024, no purpose would be served in considering the CRP No.1677 of 2024 on merits. Therefore, as a necessary consequence CRP No.1677 of 2024 is also dismissed. No costs.

03.02.2026

Internet:Yes/No

Index:Yes/No

Neutral Citation : Yes/No

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To

The Principal District Munsif,

Alandur.



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