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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

REV.APPL No. 189 of 2026
CNR:{HCMA011583832022}

N.Dhandapani
S/o K.Natesan,
No 54/14, Kottupuram,
Chennai 85.

Review Applicant

Vs

1.The General Manager
Tamilnadu State Transport
Corporation, (Villupuram Division III)
Limited,Kancheepuram Region,
Kancheepuram District.

2.The Managing Director
Tamilnadu State Transport Corporation
(Villupuram Division III), Limited,
Villupuram, Villupuram District.

3.State of Tamil Nadu,
Rep.by its Secretary,
Transport Department,
Fort St. George, Chennai- 600 009.

Respondents

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PRAYER : Review Application filed under Order 47, Rule 1 read with Section 114 of CPC to review the order dated 18.08.2022 passed in WA.No.1814 of 2021 and allow this Writ Appeal in WA.No.1814 of 2021

For Review Applicant: Mr. S.Sadasharam

For Respondents: Mr. C.Gauthamaraj
Standing Counsel
for R1 and R2

ORDER

(Order of the court was made by the Hon'ble Chief Justice)

This review application assails the judgment dated 18.8.2022 passed in W.A.No.1814 of 2021, whereby rejection of the claim of the review applicant for promotion as Superintendent with effect from 3.2.2022 by the learned Single Judge, was confirmed by the Division Bench.

2. The claim of the review applicant was rejected on the ground of delay and laches since the promotion was due in the month of March, 2002 and after crossing the age of superannuation in the year 2007, he approached this Court only in the year 2010. Even persons

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junior to the review applicant were promoted in the year 2005. The learned Single Judge as well as the Division Bench of this Court held that the review applicant cannot seek any benefit at such a belated stage.

3. We have perused the impugned judgment and find that the Division Bench has not committed any error apparent on the face of the record in dismissing the writ appeal. The grounds raised in this review application do not fall within the scope and ambit of Order 47, Rule 1 CPC and we find that the review application has been filed only to re-argue the appeal, which is impermissible in law, as held by the Apex Court in *Malleeswari v. K.Suguna and another*[1]. After referring to a catena of decisions, in *Malleeswari* (supra), the Apex Court held thus:

> *"15. It is axiomatic that the right of appeal cannot be assumed unless expressly conferred by the statute or the rules having the force of a statute. The review jurisdiction cannot be assumed unless it is conferred by law on the authority or the Court. Section 114 and Order 47, Rule 1 of CPC deal with the power of review of the courts.* ***The power of review is different from appellate power and is subject to the***

[1] *2025 INSC 1080*

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following limitations to maintain the finality of judicial decisions:

15.1 ***The review proceedings are not by way of an appeal and have to be strictly confined to the scope and ambit of Order 47 Rule 1 of CPC*** *[Meera Bhanja v. Nirmala Kumari Choudhury, (1995) 1 SCC 170].*

15.2 Review is not to be confused with appellate powers, which may enable an appellate court to correct all manner of errors committed by the subordinate court [Aribam Tuleshwar Sharma v. Aribam Pishak Sharma, (1979) 4 SCC 389].

15.3 ***In exercise of the jurisdiction under Order 47 Rule 1 of CPC, it is not permissible for an erroneous decision to be reheard and corrected****. A review petition, it must be remembered, has a limited purpose and cannot be allowed to be an appeal in disguise [Parsion Devi v. Sumitri Devi, (1997) 8 SCC 715].*

15.4 The power of review can be exercised for the correction of a mistake, but not to substitute a view. Such powers can be exercised within the limits specified in the statute governing the exercise of power

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[Lily Thomas v. Union of India, (2000) 6 SCC 224].

15.5 The review court does not sit in appeal over its own order. A rehearing of the matter is impermissible. It constitutes an exception to the general rule that once a judgment is signed or pronounced, it should not be altered [Inderchand Jain v. Motilal, (2009) 14 SCC 663]. Hence, it is invoked only to prevent a miscarriage of justice or to correct grave and palpable errors [Shivdev Singh v. State of Punjab, AIR (1963) SC 1909].

16. ***To wit, through a review application, an apparent error of fact or law is intimated to the court, but no extra reasoning is undertaken to explain the said error. The intimation of error at the first blush enables the court to correct apparent errors instead of the higher court correcting such errors. At both the above stages, detailed reasoning is not warranted.***

17. Having noticed the distinction between the power of review and appellate power, we restate the power and scope of review jurisdiction. Review grounds are summed up as follows:

17.1 The ground of discovery of new and important

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matter or evidence is a ground available if it is demonstrated that, despite the exercise of due diligence, this evidence was not within their knowledge or could not be produced by the party at the time, the original decree or order was passed.

17.2 ***Mistake or error apparent on the face of the record may be invoked if there is something more than a mere error, and it must be the one which is manifest on the face of the record*** *[Hari Vishnu Kamath v. Syed Ahmad Ishaque, (1955) 1 SCR 1104]. Such an error is a patent error and not a mere wrong decision [T.C. Basappa v. T. Nagappa, AIR (1954) SC 440].* ***An error which has to be established by a long-drawn process of reasoning on points where there may conceivably be two opinions can hardly be said to be an error apparent on the face of the record*** *[Satyanarayan Laxminarayan Hegde v. Mallikarjun Bhavanappa Tirumale, AIR (1960) SC 137].*

17.3 Lastly, the phrase 'for any other sufficient reason' means a reason that is sufficient on grounds at least analogous to those specified in the other two categories [Chhajju Ram v. Neki, 1922 SCC OnLine PC 11 and approved in Moran Mar Basselios Catholicos v. Mar Poulose Athanasius, AIR (1954) SC 526].

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18. Courts ought not mix up or overlap one jurisdiction with another jurisdiction..."

[*emphasis supplied*]

4. In the light of the limited power conferred upon Courts exercising review jurisdiction under Section 114 and Order 47 Rule of Civil Procedure Code, as has been silhouetted by the Supreme Court in the aforesaid decision, the grievance ventilated by the review applicants cannot be redressed in this review application.

5. In view of the above, we find no merit in the review application and, accordingly, the same is dismissed. There shall be no order as to costs.

(SUSHRUT ARVIND DHARMADHIKARI, CJ) (G.ARUL MURUGAN,J)
24.11.2026

Index : Yes/No
Neutral Citation : Yes/No
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THE HON'BLE CHIEF JUSTICE
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