

Rev.Aplc(MD)No.21 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 22.04.2026

Pronounced on : 21.07.2026

CORAM:

THE HONOURABLE MR.JUSTICE P.VADAMALAI

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Selva Sivapackiyam,
S/o.Chettiappa Nadar,
Door No.5/18, High School Street,
T.Ramanathapuram Village,
Sivagiri Taluk,
Tirunelveli District.

...Petitioner/Petitioner/Appellant

Vs.

Chettiappa Nadar (Died)

1.Kanagaselvi,
W/o.Amirtharaj,
Sevalapatti Village,
Kariappatti Taluk,
Virudhunagar District.

2.Kunjaram,
W/o.Swaminathan,
Door No.5/5, North Car Street,
Chokkanathaputhur Village,
Rajapalayam Taluk,
Virudhunagar District.

3.Kalaiselvi,
W/o.Arunachalam,
Mandapam Street,
Rayagiri Village,
Sivagiri Taluk,
Tirunelveli District.

...Respondents 1 to 3/ Respondents 1 to 3/
Respondents 1 to 3



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4.Thangamariyammal,
W/o.Late.Chettiappa Nadar,
Door No.20A/16, High School Street,
T.Ramanathapuram Village,
Sivagiri Taluk,
Tirunelveli District.

...4th Respondent/4th Respondent/
Proposed 4th Respondent

PRAYER: Review Application filed under Order 47 Rule 1 and 2 of CPC r/w Section 114 of the Civil Procedure Code, to review the order passed in C.M.P(MD)No.16024 of 2023 in A.S(MD)No.75 of 2011, dated 04.06.2025.

For Petitioner : Mr.V.R.Shanmuganathan
For Respondents : Mr.C.M.Arumugam
for Mr.S.Lenin Prabu

ORDER

This Review Application is filed by the petitioner to review the order passed in C.M.P(MD)No.16024 of 2023 in A.S(MD)No.75 of 2011, dated 04.06.2025.

2.The petitioner has stated reasons in the accompanying affidavit filed along with the Civil Miscellaneous Petition are as follows:

The petitioner filed a suit for partition in O.S.No.59 of 2008 on the file of the Additional District Court/Fast Track Court No.1, Tirunelveli against the respondents 1 to 3 and their father Chettiappa Nadar. The trial Court passed judgment dated 11.08.2010 partly decreeing the suit in respect



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of the 1st schedule property and dismissing the suit in respect of schedule Nos.2 and 3, which were settled by Chettiappa Nadar in favour of the

respondents 1 and 3 under a settlement deed, dated 05.03.2008.

The petitioner filed an appeal in A.S(MD)No.75 of 2011. Pending appeal, the said Chettiappa Nadar died on 18.11.2016 and after his death, a compromise was reached between the parties as they are the legal heirs of Chettiappa Nadar. The 2nd schedule rice mill was allotted to the petitioner in that compromise. The appeal was "dismissed for default" on 07.12.2016.

There were renewed disputes with the respondents. The petitioner knew of the dismissal of the appeal only on 22.08.2023. Due to illiteracy, the petitioner filed petition C.M.P(MD)No.16024 of 2023 to condone the delay of 2422 days in filing the restoration petition. There is a finding by the Court of law regarding the settlement deed, dated 05.03.2008, executed by father Chettiappa Nadar. This Court dismissed the delay condonation petition in C.M.P(MD)No.16024 of 2023 on 04.06.2025, but failed to consider the compromise reached after father's demise. Hence, the order of this Court dated 04.06.2025 passed in C.M.P(MD)No.16024 of 2023 has to be reviewed.

3.The learned counsel for the respondents objected this petition.



4.Heard both sides and perused the records in the Review Application.

5.The learned counsel for the petitioner has submitted that the suit filed by the petitioner was partly decreed in respect of the 1st schedule of suit property and, in respect of schedules 2 & 3, the suit was dismissed. Hence, the petitioner has filed an appeal in A.S(MD)No.75 of 2011, and it was dismissed for default on 07.12.2016. As there was a compromise between the parties and in that compromise the 2nd schedule rice mill was allotted to the petitioner, he remained in peaceful possession of the same. But later renewed disputes arose. Later, the petitioner came to know about the dismissal of the appeal for default. Hence, the petitioner filed a delay condonation petition specifically stating sufficient reasons about the death of his father Chettiappa Nadar and the compromise reached among them, but the respondents acted with *mala fide* intention by revoking the compromise. The respondents colluded and, contrary to the compromise talks, encroached on the properties and lodged a police complaint disturbing the petitioner's possession. Hence, the petitioner filed a petition to condone delay of 2422 days in restoring the appeal, which was dismissed for default. After hearing both sides, this Court dismissed the petition without considering the compromise and has not considered the



reasons for delay. The respondents filed a counter against the delay condonation petition, contending vague denial of compromise.

The 1st respondent has obtained an order of this Court in W.P(MD)No.27720 of 2023 in the petitioner's absence. The order can be reviewed by the same Court on account of some mistake or error apparent on the face of the records or for any other sufficient reason. In this case, there is no reason for not considering the cause stated by the petitioner. Hence, the order of this Court may be reviewed.

6.In support of his argument, the learned counsel for the petitioner has relied on the following citations:

(1) **(2014) 14 Supreme Court Cases 127** in the case of **Dhiraj Singh (Dead) Through LRs and Ors. /v/ State of Haryana and Ors.,** wherein it is held in paragraph Nos.15 and 16 as follows:

"15.Equities can be balanced by denying the appellants' interest for the period for which they did not approach the Court. The substantive rights of the appellants should not be allowed to be defeated on technical grounds by taking hyper technical view of self-imposed limitations. In the matter of compensation for land acquisition, we are of the view that approach of the Court has to be pragmatic and not pedantic.



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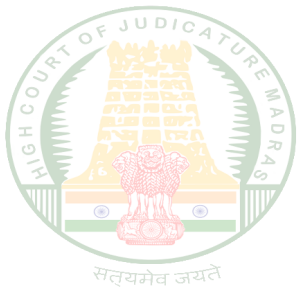
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16. *The principles regarding condonation of delay particularly in land acquisition matters, have been enunciated in [Collector \(LA\) Vs. Katiji](#), where it is stated in para 3 as under:- (SCC p. 108)*

"3. The legislature has conferred the power to condone delay by enacting [Section 5](#) of the Limitation Act of 1963 in order to enable the courts to do substantial justice to parties by disposing of matters on "merits". The expression "sufficient cause" employed by the legislature is adequately elastic to enable the courts to apply the law in a meaningful manner which subserves the ends of justice - that being the life-purpose for the existence of the institution of courts. It is common knowledge that this Court has been making a justifiably liberal approach in matters instituted in this Court. But the message does not appear to have percolated down to all the other courts in the hierarchy. And such a liberal approach is adopted on principle as it is realized that:

1. Ordinarily a litigant does not stand to benefit by lodging an appeal late.

2. Refusing to condone delay can result in a meritorious matter being thrown out at the very threshold and cause of justice being defeated. As against this when delay is condoned the highest that can happen is that a cause would be



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decided on merits after hearing the parties.

3. "Every day's delay must be explained" does not mean that a pedantic approach should be made. Why not every hour's delay, every second's delay? The doctrine must be applied in a rational common sense pragmatic manner.

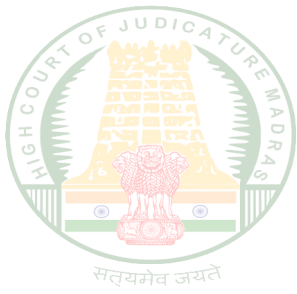
4. When substantial justice and technical considerations are pitted against each other, cause of substantial justice deserves to be preferred for the other side cannot claim to have vested right in injustice being done because of a non-deliberate delay.

5. There is no presumption that delay is occasioned deliberately, or on account of culpable negligence, or on account of mala fides. A litigant does not stand to benefit by resorting to delay. In fact he runs a serious risk.

6. It must be grasped that judiciary is respected not on account of its power to legalise injustice on technical grounds but because it is capable of removing injustice and is expected to do so."

(2) (2012) 5 Supreme Court Cases 157 in the case of **Maniben Devraj Shah /v/ Municipal Corporation of Brihan, Mumbai**, it is held in paragraph Nos.14, 15 and 23 as follows:

"14. We have considered the respective



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arguments/submissions and carefully scrutinized the record. The law of limitation is founded on public policy. [The Limitation Act, 1963](#) has not been enacted with the object of destroying the rights of the parties but to ensure that they approach the Court for vindication of their rights without unreasonable delay. The idea underlying the concept of limitation is that every remedy should remain alive only till the expiry of the period fixed by the Legislature. At the same time, the Courts are empowered to condone the delay provided that sufficient cause is shown by the applicant for not availing the remedy within the prescribed period of limitation.

15.The expression "sufficient cause" used in Section 5 of the Limitation Act, 1963 and other statutes is elastic enough to enable the Courts to apply the law in a meaningful manner which serve the ends of justice. No hard and fast rule has been or can be laid down for deciding the applications for condonation of delay but over the years this Court has advocated that a liberal approach should be adopted in such matters so that substantive rights of the parties are not defeated merely because of delay.

23.What needs to be emphasised is that even though a liberal and justice oriented approach is required to be adopted in the exercise of power under [Section 5](#) of the Limitation Act and other similar statutes, the Courts can neither become



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oblivious of the fact that the successful litigant has acquired certain rights on the basis of the judgment under challenge and a lot of time is consumed at various stages of litigation apart from the cost."

(3) (2014) 14 Supreme Court Cases 77 in the case of **State of Rajasthan and Anr. /v/ Surendra Mohnot and Ors.**, in which it is held in paragraph Nos.25, 26 and 28 as follows:

"25.To appreciate what constitutes an error apparent on the face of the record, the observations of the Court in Satyanarayan Laxminarayan Hegde v. Mallikarjun Bhavanappa Tirumale are useful:- (AIR p. 137)

"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. Where an alleged error is far from self-evident and if it can be established, it has to be established, by lengthy and complicated arguments, such an error cannot be cured by a writ of certiorari according to the rule governing the powers of the superior court to issue such a writ."

26.At a mere glance it would have been clear to the writ court that the decision was rendered on the basis of a wrong authority. The



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error was self-evident. When such self-evident errors come to the notice of the court and they are not rectified in exercise of review jurisdiction or jurisdiction of recall which is a facet of plenary jurisdiction under [Article 226](#) of the Constitution, a grave miscarriage of justice occurs.....

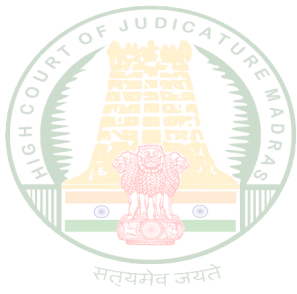
28.We have already stated the legal position with regard to legal impact as regards the concession pertaining to the position in law. That apart, we think that an act of the Court should not prejudice anyone and the maxim actus curiae neminem gravabit gets squarely applicable. It is the duty of the Court to see that the process of the court is not abused and if the court's process has been abused by making a statement and the same court is made aware of it, especially the writ court, it can always recall its own order, for the concession which forms the base is erroneous."

(4) (2006) 4 Supreme Court Cases 78 in the case of Haridas Das /v/ Usha Rani Banik and Ors., wherein it is held in paragraph Nos.12 and 13 as follows:

"12. Order XLVII Rule 1 reads as follows:

"REVIEW :

1.Application for review of judgment. -



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(1) Any person considering himself aggrieved -

(a) by a decree or order from which an appeal is allowed, but from which, no appeal has been preferred,

(b) by a decree or order from which no appeal is allowed, or

(c) by a decision on a reference from a Court of Small Causes and who, from the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the decree was passed or order made, or on account of some mistake or error apparent on the face of the record, or for any other sufficient reason, desires to obtain a review of the decree passed or order made against him may apply for a review of judgment to the court which passed the decree or made the order.

(2) A party who is not appealing from a decree or order may apply for a review or judgment notwithstanding the pendency of an appeal by some other party except where the ground of such appeal is common to the applicant and the appellant, or when, being respondent, he can present to the Appellate Court the case on which he applies for the review.



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Explanation : The fact that the decision on question of law on which the judgment of the court is based has been reversed or modified by the subsequent decision of a superior court in any other case, shall not be a ground for the review of such judgment.

2. [Repealed by Act 66 of 1956]."

13. In order to appreciate the scope of a review, [Section 114](#) of the CPC has to be read, but this section does not even adumbrate the ambit of interference expected of the Court since it merely states that it "may make such order thereon as it thinks fit." The parameters are prescribed in [Order XLVII of the CPC](#) and for the purposes of this lis, permit the defendant to press for a rehearing "on account of some mistake or error apparent on the face of the records or for any other sufficient reason". The former part of the rule deals with a situation attributable to the applicant, and the latter to a jural action which is manifestly incorrect or on which two conclusions are not possible. Neither of them postulate a rehearing of the dispute because a party had not highlighted all the aspects of the case or could perhaps have argued them more forcefully and/or cited binding precedents to the Court and thereby enjoyed a favourable verdict. This is amply evident from the explanation to Rule 1 of the Order XLVII which



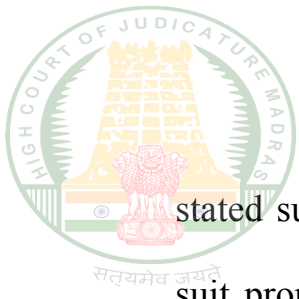
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states that the fact that the decision on a question of law on which the judgment of the Court is based has been reversed or modified by the subsequent decision of a superior Court in any other case, shall not be a ground for the review of such judgment. Where the order in question is appealable the aggrieved party has adequate and efficacious remedy and the Court should exercise the power to review its order with the greatest circumspection."

7.Per contra, the learned counsel for the respondents has vehemently contended that the petitioner filed this petition only to harass the respondents. There is limited scope for review under Order 47 Rule 1 of CPC. Since the petition in C.M.P(MD)No.16024 of 2023 in A.S(MD)No.75 of 2011 was filed U/s.5 of the Limitation Act, there is no appeal, only the petitioner can file SLP before the Hon'ble Supreme Court. Hence, the petitioner has chosen an alternative remedy by way of review. The petitioner has stated grounds for review in paragraph Nos.3 to 10, simply blaming his counsel, which is impermissible in law. Though the petitioner stated there was a compromise, when and where it occurred has not been stated and there is no reason assigned for not writing it down. The delay for restoration is 2422 days, nearly 7 years; the reason for delay is only compromise and the same was revoked, but the petitioner has not



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stated sufficient circumstances for the same. The petitioner stated that the suit properties are ancestral, but in fact the 1st Schedule is ancestral and schedules 2 and 3 are self-acquired properties of father Chettiappa Nadar, which were discussed by the trial Court. Chettiappa Nadar executed a settlement deed in respect of his self acquired properties. So, the petitioner has touched the merits of the case. The reasons stated in paragraph Nos.7 and 8 that this Court has not considered the compromise post the father's demise and this Court did not render a finding on the validity or effect of the settlement deed executed by Chettiappa Nadar, which are not for adjudication in the petition filed U/s.5 of the Limitation Act. So, these grounds are not sufficient for review. Though the petitioner as plaintiff has averred about the settlement deed dated 05.03.2008 executed by his father Chettiappa Nadar, he has not challenged it. Though the petitioner has stated about compromise, he has not chosen to reduce it into writing, since there is no such compromise at all. The father died on 08.11.2016 and the appeal was dismissed for default on 07.12.2016. The petitioner has filed a delay condonation petition for restoration after a lapse of 7 years without any sufficient reason and the said petition was dismissed. The petitioner's claim is totally barred one, as the restoration petition was filed after several years. So, the order of this Court cannot be reviewed, as there is no ground contemplated under Order 47 Rule 1 of the CPC. Hence, the petition may



be dismissed. The citations relied on by the petitioner are not applicable to the facts of the case.

8. In support of his argument, the learned counsel for the respondents has relied on the following citation:

(a) Order of the Hon'ble Supreme Court in SLP (C) No.12787 of 2025 in the case of **Malleeswari /v/ K.Suguna and Another**, it is held in paragraph Nos.15, 16 and 19 as follows:

*"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 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**.*

15.2 Review is not to be confused with appellate powers, which may enable an appellate



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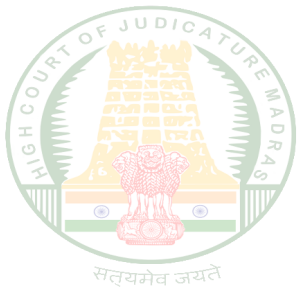
court to correct all manner of errors committed by the subordinate court.

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.

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.

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. Hence, it is invoked only to prevent a miscarriage of justice or to correct grave and palpable errors.

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,



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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 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. Such an error is a patent error and not a mere wrong decision. 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.

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.



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19.The impugned order has not adverted to an error apparent on the face of the record, but has taken up an error on reappreciation of the case and counter case of the parties. The review order records a few findings extending far beyond the actual working out of prayers in a suit for partition. The order impugned has exceeded the jurisdiction of review by a court.

9.On hearing both sides, it is clear that both the petitioner and the respondents are children of one Chettiappa Nadar. As there was a dispute over the immovable properties, the petitioner filed a suit in O.S.No.59 of 2008 before the Additional District Court/Fast Track Court No.1, Tirunelveli for partition in respect of suit properties in schedule 1 to 3 against the respondents. The respondents contended that their father Chettiappa Nadar executed a settlement deed, dated 05.03.2008, in respect of schedule 2 and 3. The trial Court partly decreed the suit in respect of the 1st schedule and dismissed in respect of schedules 2 and 3 by its judgment, dated 11.08.2010. The petitioner preferred a first appeal before this Court in A.S(MD)No.75 of 2011. During pendency of the appeal, their father Chettiappa Nadar died on 18.11.2016. Later, the petitioner left the appeal in A.S(MD)No.75 of 2011 for dismissal for default. Thereafter, the petitioner



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filed a Civil Miscellaneous Petition in C.M.P(MD)No.16024 of 2023 in A.S(MD)No.75 of 2011 to condone the delay of 2422 days in filing a

restoration petition to restore the appeal, which was dismissed for default.

The reason stated for the delay by the petitioner is that after the demise of his father, there was a compromise and the 2nd schedule rice mill was allotted to him, but the respondent defeated the compromise and hence, he came to know about the dismissal of the appeal for default.

10. This Court passed order after hearing both sides in C.M.P(MD)No.16024 of 2023 on 04.06.2025, which is as follows:

"4.I have considered the rival submission of both side and perused the case records. The petitioner has filed the suit in O.S.No.59 of 2008 for the relief of partition in respect of three schedule properties. The trial Court partly decreed that the petitioner is entitled to only ½ share in the suit 1st schedule properties. The trial Court has also held that the suit 2nd and 3rd schedule properties belonged to the 1st defendant, namely father of the parties, Chettiappa Nadar.

5. The learned counsel for the petitioner has submitted that after the death of their father, both parties entered into compromise and as per



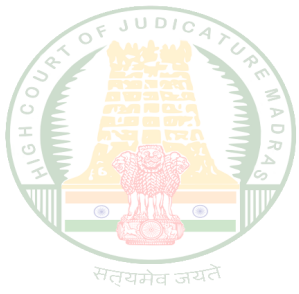
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compromise, the 2nd schedule rice mill was allotted to the petitioner. The learned counsel for the respondents contended that there is no such compromise entered. Those allegations can not be decided in this petition which is filed to condone the delay of 2422 days in filing petition to restore the main appeal, which was dismissed for default on 07.12.2016. On considering the contents of affidavit and submission of the petitioner, it is seen that there is no valid ground to condone the delay of 2422 days. However, it is admitted by both sides that the petitioner is entitled to ½ share in the 1st schedule properties and the findings and the decree of the trial Court were not questioned or disputed.

6.The trial court also held that the 2nd and 3rd schedule properties are belonged to the father Chettiappa Nadar and there is no finding given by the trial court with regard to alleged settlement deed executed in favour of the respondents 1 to 3. There is no cross appeal filed by the respondents against the finding of trial court in respect of suit 2nd and 3rd schedule properties. Now, it is admitted fact that the father of the parties namely Chettiappa Nadar died on 18.11.2016 and the petitioner respondents are the only legal heirs of their father. Therefore, the petitioner and the



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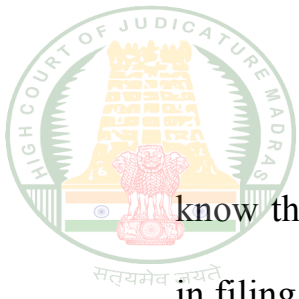


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respondents are entitled to equal share to the properties of their father, subject to any disposition made by their father and that cannot be decided in this petition and there is no necessity to reopen the appeal. Both parties have also admitted the above fact during the course of arguments. Therefore, this court is of the view that the petition is liable to be dismissed as the petitioner has not assigned any valid reason to condone the delay.

7.In the result, this Civil Miscellaneous Petition is dismissed. No costs. Consequently, connected Civil Miscellaneous Petition is rejected at SR stage itself.”

11.Now, the petitioner has filed this petition to review the above order dated 04.06.2025 passed by this Court. The reasons stated by the petitioner is that his counsel has not intimated him about the dismissal of appeal for default on 07.12.2016, further he states that after death of his father on 18.11.2016 there was a compromise among the parties in which the 2nd schedule property was allotted to him. However, when the respondents renewed disputes he came to know about the dismissal of appeal only on 22.08.2023. Additionally, there was a writ petition filed against him in W.P(MD)No.27720 of 2023. As he is an illiterate, he did not



know the restoration procedure and hence, there was a delay of 2422 days in filing restoration petition. He contends that these facts are not considered by this Court in the delay condonation petition.

12.The petitioner has filed this petition under Order 47 Rule 1 and 2 r/w Section 114 of CPC, to review the order passed by this Court. It is a well-settled principle that the scope of review is for review of “an error apparent” only and not to review the judgment/order, even if the parties are in a position to satisfy the Court that the order under review is an erroneous order. It is also a settled principle of law that the review petition has to be entertained only on the ground of error apparent on the face of the record and not on any other ground.

13.On perusal of the contents of the affidavit, the petitioner once again seeks reconsideration of his averments made in the delay condonation petition. As rightly argued by the respondents, the petitioner raised grounds only to place the blame upon his counsel, which is impermissible; Details regarding the assertion of a compromise, such as when it was happened, on which date and in whose presence the compromise talks were held and why it was not reduced into writing are missing; Further, the petitioner claims that the suit properties are ancestral properties whereas

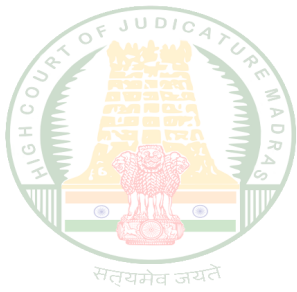


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the trial Court held that only the 1st schedule is ancestral and the schedules 2 and 3 are self acquired properties of their father Chettiappa Nadar, who executed settlement deed, dated 05.03.2008. So, the petitioner has not made out any ground to show that the order passed by this Court has an apparent error.

14.As rightly submitted by the learned counsel for the respondents, the impugned order was passed in a petition filed U/s.5 of the Limitation Act, and thus the appropriate remedy is to file an SLP before the Hon'ble Supreme Court. It is a settled position that the pleas urged in a review petition are a reiteration of grounds urged during the hearing of appeals, such review petitions may be held as not maintainable. The Division Bench of this Court **in Review Application No.137 of 2014 in Siril Bernad /v/ The Registrar of University of Madras** held in paragraph Nos.18 and 23 as follows:

"18.It is to be relevantly pointed out that the power of Review is not an inherent power and must be conferred by law either expressly or by necessary implication. Moreover, in the decision of the Hon'ble Supreme Court in [Sardar Narender Singh V. IV Additional District Judge, AIR 1994 Supreme Court 1245](#), it is held that 'review petition filed by tenant after a gap of



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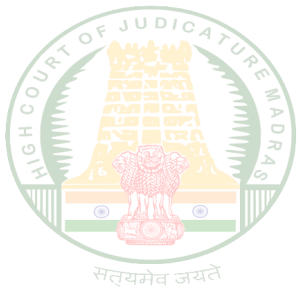


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more than four years is not maintainable'. Also that, where all the pleas urged in review petition were reiteration of grounds urged during hearing of appeals, review petitions may held as not maintainable, as per decision of the Hon'ble Supreme Court in [Rajinder Singh V. State of Haryana and others](#), (2005) 12 Supreme Court Cases 322. That apart, where the Petitioner had not been acting bona fide, delay in filing review would not be condoned, as opined by this Court.

23.Besides the above, this Court aptly points out the decision of the Hon'ble Supreme Court in [Parsion Devi and others V. Sumitri Devi and others](#), (1997) 8 Supreme Court Cases 715, at special page 716, whereby and whereunder, it is observed and held as follows:

Under [Order 47, Rule 1 CPC](#) a judgment may be open to review inter alia if there is a mistake or an error apparent on the face of the record. An error which is not self-evidence and has to be detected by a process of reasoning, can hardly be said to be an error apparent on the face of the record justifying the court to exercise its power of review under [Order 47, Rule 1 CPC](#). In exercise of the jurisdiction under [Order 47, Rule 1 CPC](#) it is not permissible for an erroneous decision to be reheard and corrected. There is a clear distinction between an



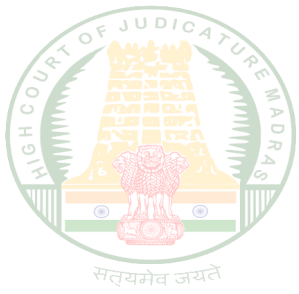
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erroneous decision and an error apparent on the face of the record. While the first can be corrected by the higher forum, the latter only can be corrected by exercise of the review jurisdiction. A review petition has a limited purpose and cannot be allowed to be an appeal in disguise.

24. On a careful consideration of the Applicant/Appellant's contentions and also this Court, taking note of the entire conspectus of the attendant facts and circumstances of the present case in an integral fashion, comes to an irresistible conclusion that the Applicant/Appellant has not made out a case for 'Review' to the subjective satisfaction of this Court and further, this Court is of the considered view that there is no apparent error on the face of record in the Judgment dated 28.06.2012 in W.A.No.1796 of 2011. In reality, the Applicant/Appellant has projected the present Review Application in the guise of an Appeal. Moreover, if the Applicant/Appellant is aggrieved by the Judgment dated 28.06.2012 in W.A.No.1796 of 2011 passed by this Court, which in his understanding has not been correctly decided as per Law or on facts or erroneously decided, such an argument/plea can be agitated/raised in an



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Appeal before the Superior Forum, but not in a Review Application, in the considered opinion of this Court. That apart, reappraisal of the entire facts or materials on record for finding the error would certainly, in the considered opinion of this Court, amount to exercise of 'Appellate Jurisdiction' which is certainly impermissible. Viewing it from any angle, the Review Application fails."

15.In this case on hand, from careful consideration of the affidavit filed by the petitioner, this Court comes to conclusion that the petitioner has not made out a case for 'Review' to the subjective satisfaction of this Court and the petitioner has merely repeated the very same averments made in the affidavit filed in C.M.P(MD)No.16024 of 2023 which was filed to condone the delay of 2422 days in filing restoration petition for restoration of appeal in AS(MD)No.75 of 2011. This Court further holds that there is no apparent error on the face of record in the impugned order, dated 04.06.2025. In fact, the petitioner has projected the present Review Application in the guise of rehearing his earlier petition instead of moving an SLP before the Hon'ble Supreme Court as rightly argued by the respondents' counsel. If the petitioner is aggrieved by the impugned order of this Court, which, in his understanding, has not been correctly decided as



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per Law or on the facts or has been erroneously decided, such a plea can be agitated or raised before the Superior Forum, but not in a Review Application. *The petitioner cannot seek a review of the order in the absence of any apparent error.* The citations relied on by the petitioner are not applicable to the facts of this case, whereas the citation relied on by the respondents is squarely applicable to this case. Therefore, this Court is of the considered view that the present application for review is not maintainable and the same is liable to be dismissed.

16. In the result, this Review Application is dismissed.

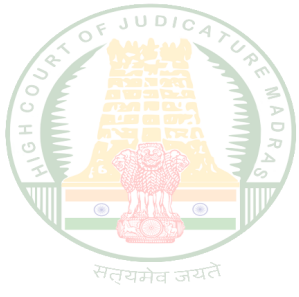
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P.VADAMALAI, J.

VSD

**Pre - Delivery Order made in
Rev.Aplc(MD)No.21 of 2026**

21.07.2026