

Madras High Court

Shanthinikethan Higher ... vs The District Elementary on 20 October, 2008

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20/10/2008

CORAM

THE HONOURABLE MR.JUSTICE K.RAVIRAJA PANDIAN

and

THE HONOURABLE MR.JUSTICE P.P.S.JANARTHANA RAJA

REVIEW APPLICATION (MD) No.64 OF 2008

Shanthinikethan Higher Secondary School,
rep. by its Correspondent,
Mrs.Meema George Cherian,
Ambilikai, Dindigul District. .. Applicant

vs.

1.The District Elementary
Educational Officer,
Palani, Dindigul.

2.The Chief Educational Officer,
Dindigul, Dindigul District.

3.Mrs.Roselyn Mary .. Respondents

Review Application filed under Order 47, Rule 1 & 2 r/w Sec.114 of C.P.C.
praying to review the order dated 28.8.2008 passed in W.A.(MD)No.507 of 2008 on
the file of this Court.

!For petitioner ...Mr.A.Immanuel

^For 3rd respondent ...Mr.S.M.S.Johnny Basha

:ORDER

(Order of the Court was made by K.RAVIRAJA PANDIAN, J) Heard Mr.A.Immanuel, learned counsel appearing for the review petitioner as well as Mr.S.M.S.Johnny Basha, learned counsel appearing on behalf of the third respondent and perused the materials on record.

2. Upon hearing the learned counsel for the review petitioner, we are of the view that he wants to

re-argue the matter.

3. It is now well settled that review Proceedings have to be strictly confined to the ambit and scope of Order 47, Rule 1 of C.P.C.,. Under Order 47, Rule 1 of C.P.C., 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 evident and has to be detected by process of reasoning can hardly be said to be an error apparent on the face of the record justifying the Court to exercise the power of review under Order 47, Rule 1 of C.P.C.,. In exercise of jurisdiction under Order 47, Rule 1 of C.P.C., it is not permissible for an erroneous decision to be re-heard and corrected. A review petition has a limited purpose and cannot be allowed to be an appeal in guise. A useful reference can be made to the Judgment in Parison Devi and others v. Sumitra Devi and others [1998 (1) CTC 25].

4. In view of the ratio laid down by the Supreme Court in the above judgment, the grievance of the review petitioner against the judgment of this Court dated 28.8.2008 in W.A.(MD)No.507 of 2008 cannot be ventilated under the provisions of Order 47 Rule 1 of C.P.C.,. Hence, the Review Application is dismissed. No costs.

asvm To

1.The District Elementary Educational Officer, Palani, Dindigul.

2.The Chief Educational Officer, Dindigul, Dindigul District.