



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2022

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

Rev.Aplc.No.41 of 2022

1.Lakshmi

2.Minor Akash

3.Minor Harish

Minors are represented by their
natural Guardian Lakshmi

...Petitioner

Vs

1.Suriyaganthi

2.Ayyappan

Minor, Rep by Mother Suriyaganthi.

3.Rajamanickam

4.Parandhaman

... Respondents

Prayer: Review Application is filed under Order 47 Rule 1 of the Code of Civil Procedure to review the Judgement dated 09.07.2021 made in S.A.No.50 of 2009.

Prayer: S.A.No.50 of 2009.

Second Appeal filed under section 100 of the Civil Procedure Code against the judgment and decree in A.S.No.19 of 2006 on the file of Principal Sub-Court, Villupuram dated 30.09.2008 in reversing the judgment and decree in O.S.No.292 of 2003 on the file of the Principal District Munsif Court at Ulundurpet dated 24.10.2005.

For Petitioners : Mr.S.Vadivel

ORDER

The defendants have filed this review application seeking to review the Judgement of this Court in S.A.No.50 of 2009. The grounds on which the review is sought for are as follows:

(a)The plaintiffs who are respondents 1 and 2 in



the review application have pleaded adverse possession and was therefore not entitled to seek declaration.

(b)The plaintiffs have not challenged the cancellation of the settlement deed and therefore the suit is not maintainable.

(c)The 2nd appellant had attained majority even on the date of the original decree and the act of not discharging the guardian and recording the majority has to be reconsidered.

(d)The evidence of P.W.2 has not been analysed and appreciated properly by this Court and the non joinder of one, Muthu is fatal to the suit.

2. A mere perusal of the above grounds would clearly show that the same does not come within the grounds for seeking a review of the Judgement as per Order XLVII Rule 1 of the Code of Civil Procedure. The petitioners had not made out if there is an error apparent on the face of the record or they have discovered a new and important matter or the evidence which despite due diligence was not within their knowledge and neither as they shown any other sufficient reasons for seeking review of the Judgement in S.A.No.50 of 2009. That apart these are matters which ought to have been raised at the time of argument of the Second Appeal.

3. Since the scope of interference is very limited in a review application and as the grounds raised by the petitioners for review is merely grounds for filing further appeal, this Court is not inclined to entertain the review, accordingly, the Review Application is dismissed. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Subordinate Judge, Villupuram

2. The Principal District Munsif, Ulundurpet.



Copy to

The Section Officer
VR Section
High Court, Madras 104.

WEB COPY

+1cc to Mr.V.S.Sivasundaram, Advocate, S.R.No.14083

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NK (CO)
CT 23/03/2022