

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

WEDNESDAY, THE 7TH DAY OF OCTOBER 2015/15TH ASWINA, 1937

RP.No.863 of 2015 IN CRP.386/2013

AGAINST THE ORDER IN CRP 386/2013 of HIGH COURT OF KERALA
DATED 20-09-2014

PETITIONER/REVISION PETITIONER:

RADHA, AGED 54 YEARS,
D/O.GOWRI, NADUVELEPARAMPIL HOUSE,
KARUVATTA NORTH MURI, KARUVATTA VILLAGE.

BY ADV. SMT.ASHA ELIZABETH MATHEW

RESPONDENTS/RESPONDENTS IN C.R.P:

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1. SUMATHI AMMA (DIED), CHALAVAKOTTU VEEDU,
KARUVATTA NORTH MURI, KARUVATTA P.O.,
HARIPAD - 690 517.
 2. GOMATHI AMMA, D/O. SUMATHI AMMA,
CHALAVAKOTTU VEEDU, KARUVATTA NORTH MURI,
KARUVATTA P.O., HARIPAD - 690 517.
 3. RAJAMMA, D/O.SUMATHI AMMA,
CHALAVAKOTTU VEEDU, KARUVATTA NORTH MURI,
KARUVATTA P.O., HARIPAD - 690 517.
 4. SAVITHRI AMMA, D/O.SUMATHI AMMA,
CHALAVAKOTTU VEEDU, KARUVATTA NORTH MURI,
KARUVATTA P.O., HARIPAD - 690 517.
 5. INDIRAMMA, D/O.SUMATHI AMMA,
CHALAVAKOTTU VEEDU, KARUVATTA NORTH MURI,
KARUVATTA P.O., HARIPAD - 690 517.
 6. PRASANAN NAIK, S/O.SUMATHI AMMA,
CHALAVAKOTTU VEEDU, KARUVATTA NORTH MURI,
KARUVATTA P.O., HARIPAD - 690 517.
 7. BHUVANACHANDRAN, S/O.SUMATHI AMMA, CHALAVAKOTTU
VEEDU, KARUVATTA NORTH MURI, KARUVATTA P.O.,
HARIPAD - 690 517.

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8. GOWRI (DIED), W/O. KRISHNA PANICKER,
NADUVELEPARAMPIL HOUSE, KARUVATTA P.O.,
HARIPAD - 690 517.
9. KRISHNA PANICKER UTHAMAN,
S/O.GOWRI, NADUVELEPARAMPIL HOUSE,
KARUVATTA NORTH MURI, KARUVATTA P.O.,
HARIPAD - 690 517.
10. KRISHNA PANICKER GANGADHARAN,
S/O.GOWRI, NADUVELEPARAMPIL HOUSE,
KARUVATTA NORTH MURI, KARUVATTA P.O.,
HARIPAD - 690 517.

BY ADV. SMT.K.P.SANTHI

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON
07-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

P.BHAVADASAN, J.

**Review Petition No.863 OF 2015 IN
C.R.P No.386 OF 2013**

Dated this the 7th day of October, 2015.

O R D E R

This review petition is directed against the order dated 20.09.2014 in C.R.P No.386/2013 whereby this Court dismissed the revision petition confirming the finding of the execution court.

2. The facts of the case are stated in detail in the order mentioned above. It is unnecessary to re-iterate them. The review petitioner proceeds on the basis that this Court had placed reliance on the voters list of 1990 which in fact had not been produced according to the learned counsel for the review petitioner. It is also pointed out that several other documents produced by the petitioner have not been adverted to by the execution court and this Court has omitted to take note of the said fact. Emphasis was laid on the fact that the certificate issued by the Village Officer has not been properly considered. It is pointed out that the above aspects constitute an error apparent

on the face of record and it is necessary to review the order of this Court.

3. Though the argument may look attractive at the first blush, on a close scrutiny it can be found that it is without any basis whatsoever. This Court had adverted to the above arguments in the order and it was noticed that the Village Officer's certificate can be of no consequence in view of the testimony furnished by the petitioner herself regarding the place in question. This Court had also referred to the voters' list which had been adverted to by the Land Tribunal and it was found that the petitioner was not residing at the place.

4. It is significant to notice that the contention now raised that the voters' list was not produced is not seen mentioned in the memorandum of Civil Revision Petition. Except two certificates which have been referred to by this Court in the order dated 20.09.2014, no other documents are seen referred to in the memorandum of Civil Revision Petition and the order passed in the said Civil Revision Petition is now sought to be reviewed on that basis.

Today when the case was taken up, this Court sought for a copy of the deposition of the review petitioner before the Land Tribunal which was handed over by the learned counsel for the review petitioner and a reading of the deposition makes the position worse. There is nothing to show that this Court had erred in any manner. This Court had referred to a decision of the Apex Court wherein an identical issue was considered. It is on the basis of the evidence adduced that this Court had come to the conclusion that the petition had to fail. There is no error apparent on the face of record to review the order dated 20.09.2014.

This review petition is without merits and it is accordingly dismissed.

Sd/-

**P.BHAVADASAN
JUDGE**

smp

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P.A to Judge.