

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.07.2015

CORAM

THE HONOURABLE MR. JUSTICE M. DURAISWAMY

Review Application No.125 of 2014

in

S.A.No.1159 of 2009

1.Premakumari
2.Vimala
3.Malarvizhi
4.Kalavathy

... Applicants

v.

1.K.Raamalingam
2.K.Jeevanandam
3.Baskaran
4.Azhagarammal

... Respondents

Review Application filed under section 114 of the Civil Procedure Code against the order dated 14.03.2014 passed in S.A.No.1159 of 2009 on the file of this Court.

For Applicants : Mr.K.Sanjay

ORDER

The appellants in the above Second Appeal in S.A.No.1159 of 2009 have filed the above Review Application to review the judgement passed in the above Second Appeal on 14.03.2014.

2. The plaintiffs and the 4th defendant have filed the above Second appeal challenging the judgement and decree passed in A.S.No.94 of 2006 on the file of Additional District Court (Fast Track Court No.2), Chennai Division reversing the judgement and decree passed in O.S.No.3421 of 2003 on the file of VII Assistant Judge, City Civil court, Chennai.

3. The plaintiffs filed the suit in O.S.No.3421 of 2003 for partition and permanent injunction.

4. This court, while disposing of the Second Appeal took into consideration the oral and documentary evidences let in by the parties and came to the conclusion that there was a partition in the year 1980 between the male heirs of Kanniappan. With regard to Ex.B15 sale deed, this court came to the conclusion that the said document pertains to some other property, which is not the suit property. Therefore, the same was set aside. Further, this court observed that the findings with regard to Ex.B15 sale deed is unnecessary for deciding the suit. The contention with regard to Section 23 of the Hindu Succession Act that they cannot be denied the right to live in the suit property is concerned, the said plea was also not accepted by this court for the reason that they themselves have admitted that the 1st defendant is residing in the suit property with his family and that they are not residing in the suit property. Taking note of all these aspects, this court dismissed the Second Appeal.

5. In the Review Application the applicants are not in a position to point out the error apparant on the face of the record warranting interference in the Review Application under Order 47 Rule 1 of Civil Procedure Code. The Review Application can be entertained only if there is an error apparant on the face of the record. When the applicants are not in a position to point out the error apparant on the face of the record, the Review Application deserves to be rejected. Accordingly, the Review Application is dismissed. No costs.

20.11.2015

Index : Yes/No

Note : Issue copy of the order by 25.11.2015

Rj

M. DURAISWAMY, J

Rj

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