

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 9.10.2015

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

Rev.A.No.42 of 2014
in
S.A.No.755 of 2008

1. Andal Ammal
2. Kanakaraj

.. Petitioners

vs.

1. S.Ramalingam
2. R.Radhika
3. R.Radha
4. R.Ramya

.. Respondents

This Review Application has been filed to allow the review petition and set aside the judgment and decree dated 26.8.2010.

For petitioner : Mr.R.Gururaj

For respondents : Mr.R.Sunilkumar

ORDER

Heard the learned counsels appearing for the parties concerned.

2. This review application has been filed against the Judgment and decree of this Court, dated 26.8.2010, made in S.A.No.755 of 2008.

3. The petitioners have stated that this Court does not have the jurisdiction to pass a Judgment and decree for recovery of the possession of the property in question, upon payment of Rs.7,000/-, by the respondents, as the said amount is less than Rs.10,000/- .

4. It has also been stated that this Court had overlooked the fact that the promissory note had not been placed before the Court and that Varthamanam is an unregistered document and therefore, it is inadmissible in evidence.

5. It has also been stated that the promissory note is barred by time and therefore, the relief granted by this Court is inconsistent in nature. Further, there is no substantial question of law involved in the second appeal.

6. It has been further stated that this Court had overlooked certain basic facts of the case before passing the judgment and decree, dated 26.8.2010, made in S.A.No.755 of 2008.

7. Per contra, the learned counsel appearing on behalf of the respondents had submitted that the petitioners cannot be permitted to re-argue the second appeal by way of the review application.

8. It has also been stated that the review petitioners have not made out a case for this Court to review its judgment and decree, dated 26.8.2010, made in S.A.No.755 of 2008. Further, no cross appeal has been filed by the petitioners against the judgment and decree passed by the first appellate court in A.S.No.31 of 2006, dated 21.1.2008.

9. The learned counsel appearing for the respondents had further submitted that an execution petition had already been filed for executing the decree passed against the petitioners.

10. In view of the submissions made by the learned counsels appearing for the parties concerned and on a perusal of the records available, this Court is of the considered view that the petitioners have not

shown sufficient cause or reason for reviewing the judgment and decree of this Court, dated 26.8.2010, made in S.A.No.755 of 2008.

10. The grounds raised by the petitioners in the present review application do not have any merits. The petitioners have attempted to re-open and re-argue the second appeal, by way of the present review application. The grounds raised by the petitioners in the present review application have not been raised at the stage of the second appeal. As the review jurisdiction of this Court is limited in nature, the present review application filed by the petitioners is liable to be dismissed. Hence, it is dismissed. No costs.

9.10.2015

INDEX : YES/NO
INTERNET : YES/NO

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To:

1. Sub Court, Panruti.

2. District Munsif Court, Panruti.

M.JAICHANDREN J.,

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