

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2016

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

REVIEW APPLICATION NO.199 OF 2015
AND M.P.NO.1 OF 2015
IN S.A.NO.190 OF 2015

Saleema Beevi (deceased)
Rep. By her son M.K.Mustafa

... Petitioner

Vs.

1.A.Jaffar Sait
2.J.Mohammed Zackarial
3.J.Tajudeen
4.J.Mohammed Farook (Deceased)
5.Sowdha Beevi
6.Raja Mohammed
7.Nilofer Nisha
8.Barakath Nisha
9.Parveen
10.Jamal Mohammed
11.M.K.Ibrahim

... Respondents

PRAYER: Petition filed Under Order 47 Rule 1 read with Section 114 of the Code of Civil Procedure praying to review the judgment and decree dated 08.06.2015 passed by this Court in Second Appeal No.190 of 2015 filed against the judgment and decree dated 26.06.2008 in Appeal Suit No.521 of 2006 on the file of the VI Additional Judge, City Civil Court, Chennai confirming the judgment and decree dated 05.04.2006 in O.S.No.3395 of 2000 on the file of the I Assistant Judge, City Civil Court, Chennai.

For Petitioner : Mr.S.R.Jayaraman

Senior Counsel for Mr.M.Devaraj

ORDER

The above review application is filed against the judgment dated 08.06.2015 passed by this Court in S.A.No.190 of 2015.

2. The review application is filed that there is no finding given regarding the delivery of possession by the Courts below and that this Court also had not given a finding on the question of possession. A perusal of the plaint go to show that the challenge was made only with respect to the execution of the settlement deeds and nothing is said about the possession of the property. The Courts below had also concurrently held that the settlement deeds are valid and possession was given pursuant to the same and the subsequent release deeds executed would substantiate the delivery of possession.

3. It is argued that the question of possession was not discussed by this Court. The same has been dealt with in para 15 of the judgment. This appeal having been filed in the year 2009, was taken on file only in the year 2015 and it was not admitted on any question of law. All the points canvassed by the learned counsel on either side have been discussed and the learned counsel appearing for the review petitioner is unable to point out any error

apparent on the face of the record for reviewing the matter.

4. Hence, there is no error apparent on the face of the record or complete misdirection for any review in the appeal. Accordingly, the review application is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

02.09.2016

Index : Yes / No
Internet : Yes / No
TK

To

1.The VI Additional Judge
City Civil Court
Chennai.

2.The I Assistant Judge
City Civil Court
Chennai.

PUSHPA SATHYANARAYANA, J.

TK

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