



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :26.02.2018

CORAM

WEB COPY

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

Review Application No.32 of 2016

against

S.A.No.265 of 2015

1. Antonyammal
2. L.M.Lawrence ...Petitioners/Appellants

-vs-

1. Regina Duraishamy
2. M/s.AnneCatherin Sheela Vincent
3. L.Xavier
4. Kolandai Therasa
5. A.Pawlin
6. A.Lawrence
7. A.Chellin
8. A.Francis
9. A.Antony Joseph
10. A.Mary Peter
11. S.Manoharan
12. S.Maria Joseph
13. S.Margaret
14. S.Victor
15.S.Amalraj
16. A.Marshall ..Respondents/Respondents
Rep. By Power Agent
L.Gerald Pubalan

Review Application filed to review the order passed in S.A. No.265 of 2015 dated 19.08.2015.

SA.NO.265/2015:

Second Appeal filed against the Judgment and decree of the III Additional Subordinate Judge, Coimbatore, dated 05/02/2015 in Appeal Suit NO.39/2014 preferred against the decree of the Ist Additional District Munsif Coimbatore, dated 24/09/2013 made in I.A.NO.1565/05 in OS.NO.936/1977

For petitioners : Mr.R.Agilesh
For Respondents 1 & 2 : Mr.R.Ganesh Babu



ORDER

This review petition has been filed by the petitioners/appellants seeking review of the order passed in S.A.No.265 of 2015 dated 19.08.2015.

WEB COPY

2. The appellants in the Second Appeal, who have challenged the final decree proceedings. have filed the present review petition

3. The only contention urged by the review applicants is that in a final decree proceedings, the parties to the lis must be given an absolute partition by clearly indicating the 'metes and bounds with pathway' however, in the instant case, there was no such passage provided in the report of the advocate commissioner, which formed the basis for passing the final decree proceedings and which was upheld by this Court in the second appeal.

4. Learned counsel appearing for the respondents could not specifically point out any error or mistake on the face of the record.

5. The trial Court, the lower appellate Court and this Court had concurrently found against the said contention of the review petitioners. The lower appellate being a final fact finding Court has specifically stated that every objection raised by the review petitioners now had been considered and the judgment has been passed. It is a well settled principle that in a review, unless it is pointed out there is an error, which is apparent on the face of the record, the order of Judgment under review cannot be reviewed and it is self-evident. The scope of review is very limited and the same cannot be allowed to be an appeal in disguise. In the opinion of this Court, the present review petition has been filed only to re-argue the same grounds, which were urged before this Court in the second appeal. In the absence of any error or apparent on the face of the record, the review is not maintainable and the same is liable to be dismissed.

6. Accordingly, this review petition stands dismissed.

Sd/-

Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

srn



To

1. The III Additional Subordinate Judge, Coimbatore

2. The I Additional District Munsif, Coimbatore

+ 1 cc to M/s.R.Ganesh Babu, Advocate, SR.14364

+ 1 cc to M/s.T.Dhanasekaran, Advocate, SR.15429

Review Application No.32 of 2016

against

S.A.No.265 of 2015

vsn(co)

nr 26/03/2018