

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **11.12.2017**

CORAM

THE HONOURABLE MS.JUSTICE PUSHPA SATHYANARAYANA

Review Application No.98 of 2015

1. Kuppammal
2.S.Vijaya Kumar

... Review petitioner

-VS-

1. Mohideen Pitchai
2. Tmt.Mohideen Bathu

... Respondents

Review Application filed to review the Judgment and Decree made in S.A.No.206 of 2016 dated 15.04.2015.

For petitioner : Mr.C.Venkatesan

ORDER

The above review is directed against the Judgment and decree in S.A.No. 206 of 2015.

2. The Plaintiffs who had lost before the Courts below and also before this Court has preferred the above review contending that there is no 'B' schedule property. The suit itself is filed for mandatory injunction directing the defendants to remove the encroachment from

the 'B' schedule property and for permanent injunction restraining the defendants, their men, agents from interfering with the Plaintiff's peaceful possession. But Plaintiff's 'B' schedule property is an extent of six feet by 27 1/2 feet length at the back side of the 'A' schedule property. The only ground raised by the review petitioner is that this Court has not interpreted the documents and evidence correctly. As it is well settled principle that under Order 21 Rule 1 of Civil Procedure Code, to exercise powers under review jurisdiction there should be an error or mistake apparent on the face of the record and that error should be self evident and not to be detected by a process of reasoning. The scope of review is very limited and the same cannot be allowed to be an appeal in disguise. The review petition can be maintained only for a correction of mistake and error apparent on the face of record and not to substitute a view. As the review proceedings are not an appeal for re-appreciation of evidence, the review filed as such is not maintainable and the same is liable to be dismissed.

In the result, this Review Petition is dismissed. No costs.

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Index :Yes/No
Internet:Yes/No
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PUSHPA SATHYANARAYANA, J

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Pre-Delivery Order made in
Review Apl.No.98 of 2015

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