

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2018

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

Rev.Appl.No.303 of 2018
and
C.M.P.No.21151 of 2018

G.Thomas Noel ... Applicant/Petitioner

-vs-

Vijayalakshmi Ammal ... Respondent/Respondent

Prayer:

Review Application filed against the Judgment dated 07.11.2017 passed in A.S.No.500 of 2011, Appeal filed under order 41, Rule IV Read with section 96 of CPC preferred against the judgment and decree dated 21/06/2011 made in O.S.NO.24/10 on the file of the District Judge, Nilgiris at Udagamandalam.

For Applicant : Mr.L.J.Vengatesh

For Respondent : Mr.Prakash Gokalney

O R D E R

(Order of the Court was delivered by N.KIRUBAKARAN, J.)

The review application has been filed to review the Judgment dated 07.11.2007 in AS.No.500/2011 passed by this Court confirming the judgment and decree passed in O.S.No.24 of 2010 filed by the review applicant for specific performance of the agreement dated 25.10.2006.

2. Heard the learned counsel appearing for the review applicant and learned counsel appearing for the respondent.

3. It is seen that the trial Court after considering the pleadings and evidence, dismissed the suit and granted an alternate relief of return of advance amount and the same had been confirmed by this Court.

4. The learned counsel appearing for the review applicant would submit that there is an obligation cast upon the respondent/land owner to provide the Encumbrance Certificate and other documents within a period of 15 days from the date of entry into the agreement, which was not discharged by the respondent and the respondent also filed an application before the revenue department to get Encumbrance Certificate and that is the new point which has not been considered as it came up subsequently. The argument of the review applicant will not come within the ingredients of order 47 of CPC, which deals with review. If at all, the review applicant has got a case, it is only before the Honourable Supreme Court and not by way of Review application. Hence, the application is dismissed. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

sai

TO:

1.The District Judge,
Nilgiris at Udagamandalam.

2.The Section Officer,
VR Section,
High Court, Madras.

Rev.Appl.No.303 of 2018

sr(co)
nr 24/12/2018