



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Rev.Aplc. (MD)No.179 of 2018

and C.M.P. (MD)No.10963 of 2018

in SA No.1843 of 2000

WEB COPY

S.Jesuraj

... Petitioner/Appellant

Vs.

1.M.AR.Santhiagu

2.Dhavidhu

3.Irudhayasamy

4.Jegaraj

... Respondents/Respondents

PRAYER: Review Petition filed under Sections 114 and Order 47 Rule 1 of Code of Civil Procedure against the order dated 30.06.2016 made in S.A.(MD)No.1843 of 2000.

Prayer in SA No.1843 of 2000:

Second Appeal filed under Section 100 of C.P.C. against the Judgment and Decree dated 12/09/1996 rendered in A.S. No.125 of 1995 on the file of the Additional District Court and Chief Judicial Magistrate, Sivagangai confirming the decree and Judgment dated 14.09.1995 rendered in O.S.No.346 of 1987 on the file of the District Munsif, Sivagangai.

For Appellant : Mr.A.Arumugam
for Mr.G.Ghouse Khathiri

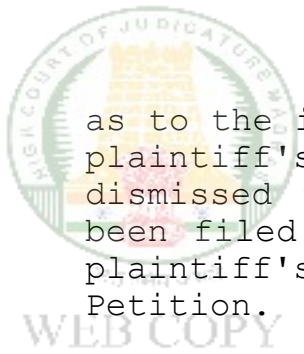
For Respondents : Mr.R.Gowrishankar for R1
R2 to R4 - given up

ORDER

This Review Petition has been filed to review the judgment made by this Court in S.A.No.1843 of 2000 on 30.06.2016.

2. This Review Petition has been filed mainly on the ground that despite the admission made by the first respondent / first defendant in his written statement, as to the issuance of patta in the name of the petitioner's father, in respect of the suit property, this Court had come to the conclusion that there was no documents have been filed to prove the same.

3. Hence, it is the contention of the learned counsel appearing for the review petitioner that though the first respondent/ first defendant has admitted in his written statement



as to the issuance of patta in the name of the petitioner's father / plaintiff's father, this Court without considering the same dismissed the second appeal on the ground that no documents have been filed to show that the patta has been issued in favour of the plaintiff's father. Hence, he prays for allowing this Review Petition.

4. It is well settled that a decision can be reviewed from the discovery of new and important matter or evidence which after the exercise of due diligence was not within the knowledge of the party or could not be produced by him at the time when the decree was passed, or on account of some mistake or error apparent on the face of the record or for any other sufficient reason. The main ground canvassed before this Court is that despite the admission of the first defendant in his written statement as to the issuance of patta, this Court had ignored the same and dismissed the appeal.

5. Heard the learned counsel appearing for the petitioner, the learned counsel appearing for the first respondent and perused the materials available on record carefully.

6. On perusal of the entire judgment, it is seen that this Court has considered the entire gamut of evidence from paragraph Nos.7 to 23 and negatived all the contentions of the review petitioner. In paragraph No.23, this Court has held that the Patta No.137 has not been produced. Merely on such observation, it cannot be said that this Court has not considered the contentions put forth by both sides. In fact, the trial Court has considered the entire evidence and held that there are panchayat in the family and the property has been given as Sridhana to the members.

7. Having considered the entire evidence, this Court has dismissed the appeal. Therefore, it cannot be said that the Court has ignored the contentions put forth by both sides and in fact the review sought for in this application is just like challenging the very reasoned judgment itself. As stated supra, review can be entertained only on the grounds set out in Order XLVII of CPC and in the review proceedings, this Court cannot sit as an appellate Judge to review the entire judgment.

8. Hence, this Court does not find any merit in this Review Petition. Accordingly, this Review Petition is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Additional District Judge and Chief Judicial Magistrate,
Sivagangai.
- 2.The District Munsif,
Sivagangai.

Copy to

The Section Officer, (2 copies)
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.G.Ghouse Khathiri, Advocate Sr.No.1027

+1cc to Mr.R.Gowrishankar , Advocate Sr.No.1440

Rev.Aplc.(MD)No.179 of 2018
and C.M.P. (MD)No.10963 of 2018
18.01.2021

VB (05.02.2021) 3P 7C