

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.09.2019

CORAM:

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

Rev. Appl. No.9 and 10 of 2019

in

S.A.No.2122 and 2123 of 2001

Rev. App. No.9 of 2019

1. Tharani Sri Sakthi

2. Jai Gugan

... Petitioners

Vs.

1. Santhamani

2. Suthakaran

3. Vijayalakshmi

4. Minor Vivek

(minor rep. by his mother Santhamani)

Guruchandran (**deceased**)

5. Natarajan

6. Merugiri

Vellingiri (**deceased**)

7. Kailasam

Sivagiriammal (**deceased**)

8. Subbulakshmi

9. Rajeswari

10. K.Manimala

11. Sasikala

(Respondents 9 to 11 are legal heirs of the  
deceased Guruchandran)

12. Savithiri

13. Devi

14. Amudha

(Respondents 12 to 14 are legal heirs of deceased  
Vellingiri)

15. M.Manickam

16. S.Sasikala

17. Maheswari

(Respondents 15 to 17 are legal heirs of the  
deceased Sivagiriammal) ... Respondents

Rev. App. No.10 of 2019

1. Tharani Sri Sakthi

2. Jai Gugan

Vs.

... Petitioners

1. Santhamani

2. Suthakaran

3. Vijayalakshmi

4. Minor Vivek

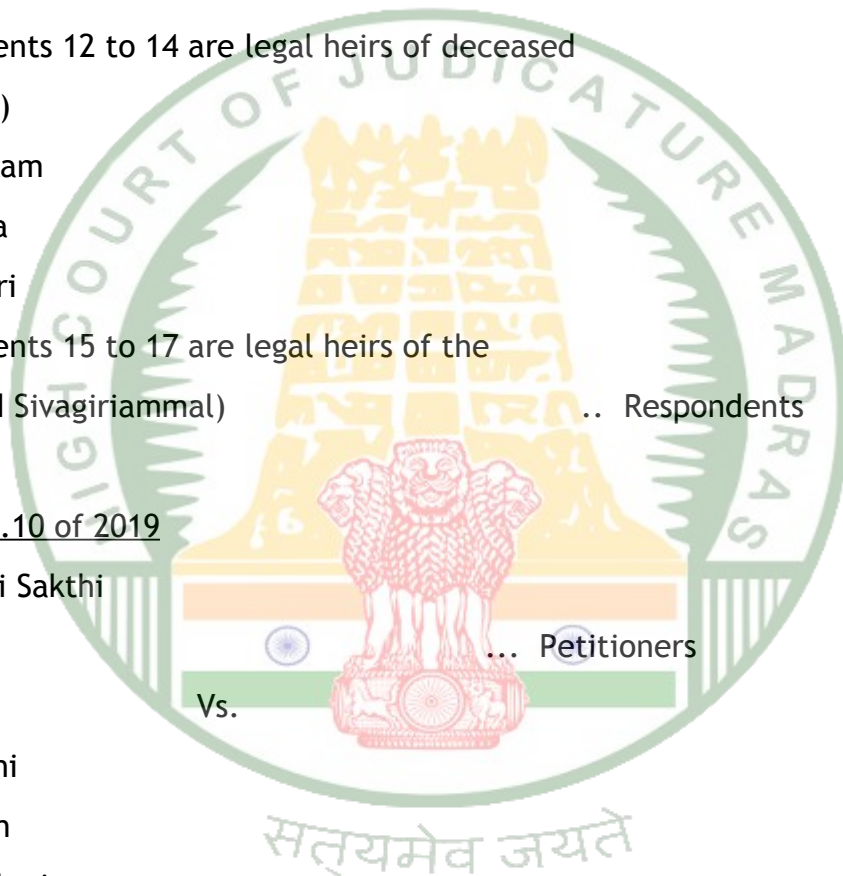
(minor rep. by his mother Santhamani)

5. Balasubramaniam

Sivagiriammal (deceased)

6. Subbulakshmi

7. M.Manickam



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8. S.Sasikala

9. Maheswari

(Respondents 7 to 9 are legal heirs of deceased  
Sivagiriammal)

... Respondents

**Prayer in Rev.Appl. No.9 of 2019:** Review Application filed under Order XLVII Rule 1 read with Section 114 of the Code of Civil Procedure to review the orders passed in S.A.No.2122 of 2001 dated 01.11.2018.

**Prayer in Rev. Appl.No.10 of 2019:** Review Application filed under Order XLVII Rule 1 read with Section 114 of the Code of Civil Procedure to review the orders passed in S.A.No.2123 of 2001 dated 01.11.2018.

For Review Petitioners : Mr.R.Singaravelan (Senior Counsel)  
for R.Kannan

For Respondents : No appearance

**Common Order**

The facts of both the cases are narrated in S.A.No.2122/2001 and S.A.No.2123/2001 and therefore, it is not necessary to repeat the same in the review application.

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2. The grounds on which the present review application filed is

(i) Where a transfer of property in completion of an exchange can be made only in the manner provided for the transfer of such property by sale and no one can assert his right based on an unregistered or unwritten exchange.

(ii) Ex.B3 and Ex.B4 are not between the parties to the lis and therefore, the same would not bind them.

(iii) Since neither Renugadevi nor Balasubramaniam were parties to the suit in O.S.No.209/1982, the decree and judgment passed in the said suit would not bind them.

(iv) Since Nanjaiya Gouder had admitted the title of Kandasamy Gouder in S.No.742/C to an extent of 1.22 acres, he is estopped from claiming anything in S.No.742/C.

(v) Moreover out of 1.22 cents in S.No.742/C, 23 cents devolved upon Balasubramaniam, who in turn settled the same in favour of Renugadevi.

3. It is well settled that the review proceedings are not by way of an appeal and have to be strictly confined to the scope and ambit of Order 47 Rule 1 of the Code of Civil Procedure. The power of review may be exercised on the discovery of new and important matter or evidence, which after the exercise of due diligence was not within the knowledge of the person seeking the review or could not be produced by him at the time when the order was made. It may also be exercised, where some mistake or error apparent on the face of the record is found. But it may not be exercised on the ground that the decision was erroneous on merits, which would be the procedure of a court of Appeal. More over error apparent on the face of record must be such an error which must strike one on

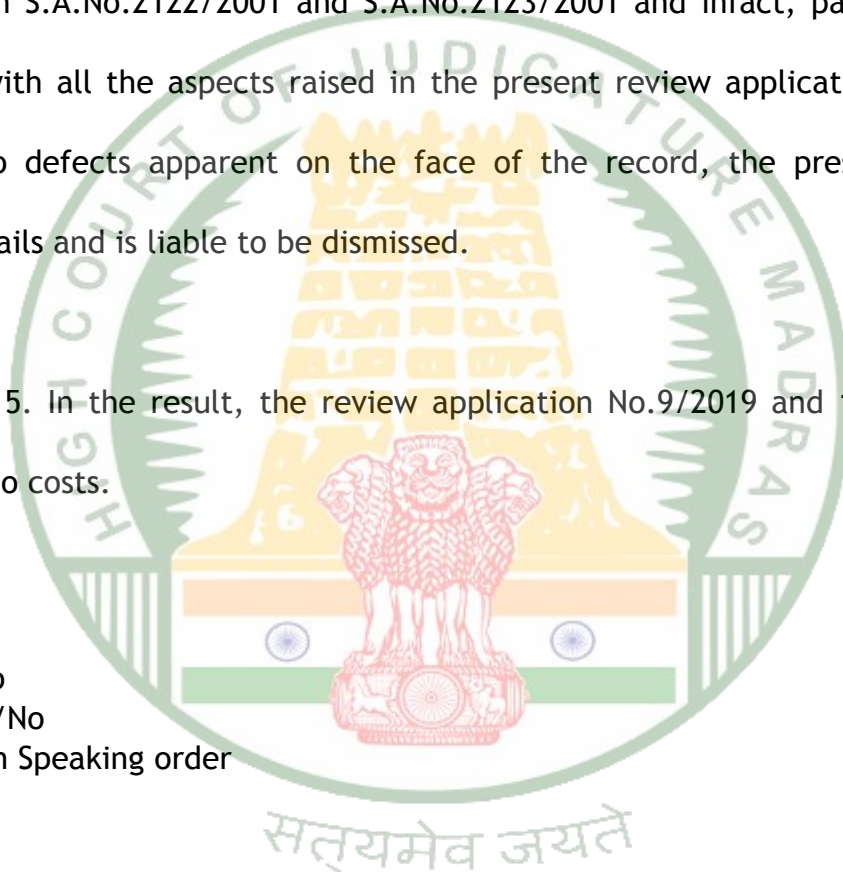
mere looking at the record and would not require any long drawn process of reasoning on points where there may be conceivably be two opinions.

4. This court considered all the points raised by the review petitioners in S.A.No.2122/2001 and S.A.No.2123/2001 and infact, paragraphs 15 to 23 deal with all the aspects raised in the present review applications. Since there are no defects apparent on the face of the record, the present review application fails and is liable to be dismissed.

5. In the result, the review application No.9/2019 and 10/2019 are dismissed. No costs.

24.09.2019

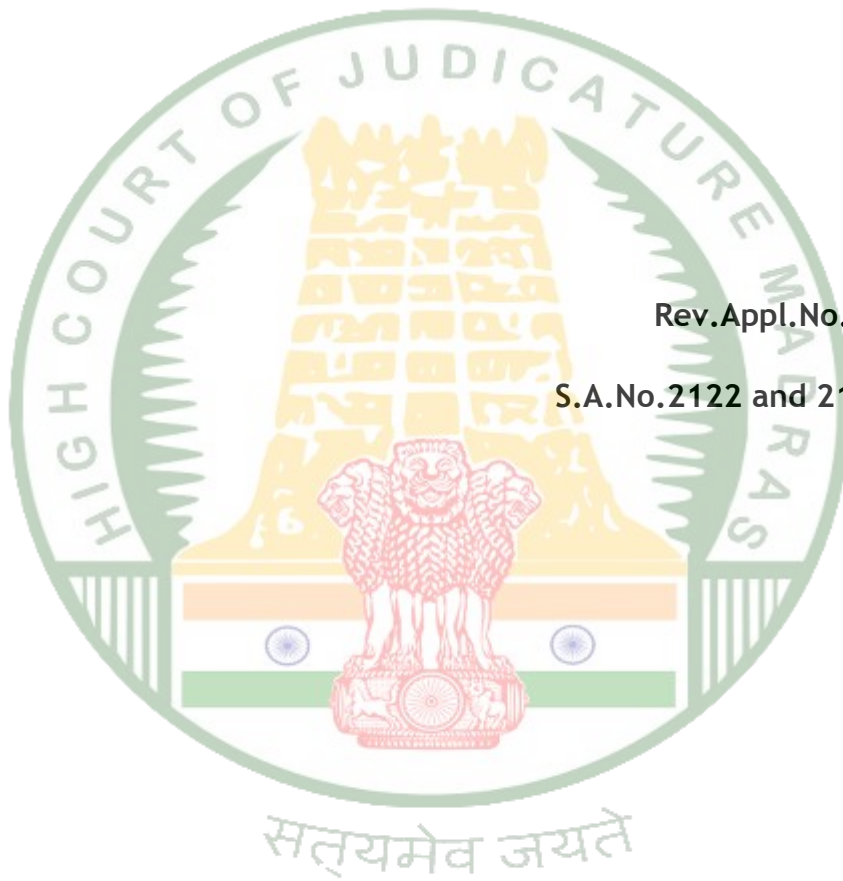
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Rev.Appl. No.9 and 10 of 2019

**R.HEMALATHA, J.**  
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Rev.Appl.No.9, 10/2019  
in  
S.A.No.2122 and 2123 of 2001

24.09.2019

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