

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

**Rev.Appl.No.203 of 2018**

1.K.Kumaran  
2.K.Venkatesh

.. Petitioners

Vs.

Gunabooshani Ammal (died)

Purushothaman

.. Respondent

**Prayer:** Review Application is filed under Order 47 Rule 1 & 2 read with Section 114 of C.P.C., 1908, against the order dated 01.03.2018 made in C.R.P.No.780 of 2014.

For Petitioners : Mr.R.Subramaniam for  
Mr.R.Prem Narayan

**ORDER**

The present Review Application is filed to review the order dated 01.03.2018 made in C.R.P.No.780 of 2014.

2.The learned counsel appearing for the petitioners contended that this Court allowed the Civil Revision Petition on the ground that the 1<sup>st</sup> defendant in O.S.No.160 of 1996, 3<sup>rd</sup> respondent in I.A.No.956 of 2011 in O.S.No.160 of 1996 and the respondent herein have denied that the review petitioners are sons of the 1<sup>st</sup> defendant. On the other hand, the 1<sup>st</sup> defendant has admitted in para-6 of the counter affidavit filed in I.A.No.956 of 2011 in O.S.No.160 of 1996 and the respondent has admitted in para-8 of the counter affidavit filed in the above I.A. that the review petitioners are sons of the 1<sup>st</sup> defendant viz., Krishnan @ Krishna Pillai @ Krishnasamy Pillai. In view of the said admission in the counter affidavit, the grounds raised by the respondent herein that the review petitioners are not the sons of the 1<sup>st</sup> defendant are false and self contradictory. The learned counsel for the review petitioners further contended that the 1<sup>st</sup> defendant has executed many sale deeds in violation of conditions of the Will and completely destroyed the main intention of the testatrix and the 1<sup>st</sup> defendant will not properly defend the suit on behalf of the review petitioners, who are the vested owners of the suit properties. For the above reason, the learned counsel for the petitioners prayed to review the order dated 01.03.2018 made in C.R.P.No.780 of 2014.

3. Heard the learned counsel appearing for the petitioners and perused the materials available on record.

4. The contention of the learned counsel for the petitioners that the Civil Revision Petition was allowed on the ground that the respondent and 1<sup>st</sup> defendant denied that the review petitioners are the sons of the 1<sup>st</sup> defendant is contrary to the order passed in the Civil Revision Petition. In the order sought to be reviewed, this Court has held that till the 1<sup>st</sup> defendant is alive, his children will have no right in the suit properties and that they have to establish that they are the sons of the 1<sup>st</sup> defendant and then only, they can claim any right in the suit properties after the life time of the 1<sup>st</sup> defendant. It is pertinent to note that in the counter affidavit filed by the 1<sup>st</sup> defendant, he has denied that the petitioner's mother viz., Rani is his second wife and stated that the review petitioners are not his legitimate sons. In view of the above materials, there is no error in the order sought to be reviewed in this petition.

5. In the result, the Review Application stands dismissed. No costs.

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Index : Yes / No  
kj

**V.M.VELUMANI, J.,**

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