

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 09/08/2019

DATED : 03. 09.2019

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

Rev.A.Nos. 75 and 76 of 2017

Against

S.A.Nos. 209 & 210 of 1998

Rev. Appl. No. 75 of 2017:

1. Palani @ Boologanathan
2. Maragathavalli
3. Selvazagi
4. Manoharan
5. Karunakarn

... Applicants/Respondents

Vs.

1. Thananjayan @ Murugesan
(died)
2. Govindan
3. Vijayan
4. Mohanraj
5. Barathi (died)
6. Ramachandran
7. Velayudham
8. Balakrishnan
9. Chandrasekaran (died)
10. Anusuya (died)

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11. Sakunthala
12. Sampathkumar
13. Subathira
14. Premkumar
15. M.Bakthavatchlam
16. B.Banumathi
17. M.Siyamala
18. Vidjeamala
19. B.Parthiban
20. B.Usharani ... Respondents/Appellants

Rev. Appl. No. 76 of 2017:

1. Palani @ Boologanathan
2. Maragathavalli
3. Selvazagi
4. Manoharan
5. Karunakarn

... Applicants/Respondents 1, 3 to 6

सत्यमेव जयते **Vs.**

1. Thananjayan @ Murugesan (died)
2. Anusuya (died)
3. Balakrishnan
4. Chandrasekaran (died)
5. Rmachandran
6. Velayudham
7. Govindan

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8. B.Vijayan
9. Mohanraj
10. Sakunthala
11. Sampathkumar
12. Subathira
13. Premkumar
14. M.Bakthavatchalam ... Respondents 1 to 14/Appellants
15. Rathinavelu ... 15th Respondent/2nd Respondent
16. B.Banumathi
17. M.Siyamala
18. Vidjeamala
19. B.Parthiban
20. B.Usharani ... Respondents/Appellants

PRAYER IN BOTH REVIEW APPLICATIONS:- These Review applications are filed under Section 114 read with Order XLVII Rule of CPC., to review the order dated 29.03.2012 passed in S.A.Nos. 209 & 210 of 1998, on the file of this Court by the learned Single Judge of this Court.

For Petitioners in both
Review Applications : Mr. S.Subbiah, SC
for Elizabeth Rani

For RR 2 & 15 in both
Review Applications : Mr. T.P.Manoharan, SC
for T.Sathiyamurthi

For RR 16 to 20 in both
Review Applications : Mr.A.V.Arun

ORDER

The respondents in both the Second Appeals are the Review Applicants. They have filed the Review Applications pursuant to liberty granted by the Hon'ble Supreme Court in S.L.P.(C).Nos. 8772 to 8773 of 2013. In the Order dated 25.04.2017 in the said Special Leave to Appeal Petitions, the Hon'ble Supreme Court had ordered as follows:-

*"Learned Senior counsel appearing for the petitioners seeks leave to withdraw these petitions with permission to file Review Petition **as the facts has been wrongly mentioned.** Permission granted. Consequently, the Special Leave Petition is dismissed as withdrawn with the liberty as prayed for. In case Review Petition is filed within four weeks from today, the same shall be considered on its own merits.*

*Pending applications including application for recording compromise shall stand disposed of. Liberty is also given to the parties to **file compromise before the High Court.**"*

[Emphasis supplied]

2. Subsequently, the Review Applicants herein had filed the present Review Applications.

3. Second Appeal No. 209 of 1998 has been filed by the defendants in O.S.No.1462 of 1986 on the file of the II Additional District Munsif Court, Pondicherry. Second Appeal No. 210 of 1998 had been filed by the plaintiff in O.S.No. 412 of 1987 also on the file of the II Additional District Munsif, Pondicherry.

4. O.S.No. 1462 of 1986 had been filed by the plaintiff Thananjayan @ Murugesan against his father Chakrapani Gounder @ Amavasai and his brothers Palani @ Boologanathan and Govindan and sister Anusuya and legal heirs of another sister Anandammal @ Chandrakanni, seeking to set aside the donation deed dated 06.11.1985 in its entirety or in the alternative to declare that the donation deed is valid only with regard to 1/8th share and that the donation deed is not valid with respect to the remaining 7/8th share and also for permanent injunction restraining the second defendant, Palani @ Boologanathan from alienating the suit properties.

5. O.S.No. 412 of 1987 had been filed by Palani @ Boologanathan against his father Chakrapani Gounder and his brothers Thananjayan @ Murugesan and Govindan and his sister Anusuya and the legal representatives of his another sister Anandammal @ Chandrakani seeking the relief of declaration of title with respect to the suit properties and also for permanent injunction

seeking protection from interference with possession and alternatively for a direction to put him in possession of the suit properties and for mense profits.

6. Both the suits came up for consideration before the II Additional District Munsif, Pondicherry. By Common Judgment dated 29.04.1991, O.S.No. 1462 of 1986 was decreed granting a declaration that the donation deed was not valid with respect to 7/8th share of the suit properties. With respect to O.S.No. 412 of 1987, a declaration was granted that the plaintiff Palani @ Boologanathan was entitled to only 1/8th undivided share of the suit properties.

7. Questioning the Common Judgment, Palani @ Boologanathan filed A.S.Nos. 54 & 55 of 1995. His primary contention was that the donation deed executed by his father Chakrapani Gounder @ Amavasai cannot be restricted to just 1/8th share and consequently, he should have been declared as absolute owner of the suit properties. By Common Judgment dated 29.04.1997, the learned Principal District Judge, Pondicherry allowed A.S.No. 54 of 1995 and set aside the Judgment and decree in O.S.No. 1462 of 1986. Similarly A.S.No. 55 of 1995 was also allowed and the Judgment and decree in O.S.No. 412 of 1987 was also set aside and the said suit was decreed as prayed for.

8. Challenging that common Judgment, Thananjayan alias Murugesan, the plaintiff in O.S.No. 1462 of 1986 filed S.A.No. 209 of 1998 and also filed S.A.No. 210 of 1998. Both the Appeals were admitted on the following substantial question of law:-

“Whether in law the provisions of the Hindu Succession Act, 1956, applies to the parties or the Coramandel Hindu Law still continue to apply? ”

9. The Second Appeals were heard at length by a learned Single Judge of this Court. Finally, Judgment was pronounced on 29.03.2012 affirming the Judgment and Decree of the Trial Court and setting aside the Judgement and Decree of the First Appellate Court. The substantial question was answered in the following terms:-

*“20. Therefore, I hold that the substantial question of law is answered in favour of the appellants **that a Hindu Renoncant in Pondicherry is governed by the Coramendel Hindu Law of Pondicherry, by virtue of Section 2(A) of the Hindu Succession Act and the provisions of the Hindu Succession Act will not apply and the gift deed dated 06.11.1985, is valid only to the extent of 1/8 share of the deceased first defendant Chakrapani***

Gounder and it is not valid in respect of 7/8 share."

[Emphasis Supplied]

10. Questioning this Judgment, Palani @ Boologanathan, the second defendant in O.S.No. 1462 of 1986 and the plaintiff in O.S.No. 412 of 1987 filed Special Leave to Appeal Petitions before the Hon'ble Supreme Court. As stated earlier, the Hon'ble Supreme Court had permitted the appellants therein to file Review Applications. Accordingly, the Review Applications have been filed.

11. It must be kept in mind that the Hon'ble Supreme Court had stated that the **necessity to file Review Applications was that "the facts has been wrongly mentioned"** in the Judgment of the learned Single Judge of this Court in S.A.Nos. 209 and 210 of 1998.

12. Heard arguments advanced by Mr.S.Subbiah, learned Senior Counsel for the Review Applicants and Mr.T.P.Manoharan, learned Senior Counsel for the respondents 2 & 15 and Mr.A.V.Arun, learned counsel for the respondents 16 to 20.

13. Mr.S.Subbiah, learned Senior Counsel for the Review Applicants pointed out that the Judgment under review requires to be revisited in view of the mistakes apparent on the face of the record. The learned Senior Counsel stated that in the Judgment, in the summary of the arguments advanced by the learned Senior Counsels, the arguments advanced by the learned Senior Counsel for the appellant and the arguments advanced by the learned Senior Counsel for the respondents were inter changed. The learned Senior Counsel therefore stated that the Judgment should necessarily be reviewed to correct the mistake.

14. It was also pointed out that it was not the case of both parties that they or the deceased Chakrapani Gounder were “Renoncants”. The learned Senior Counsel stated that the legal principles were wrongly applied and consequently urged this Court to re-examine the entire Judgment and give a finding on each and every aspect, touching the substantial question of law which had been framed. The learned counsel stated that the insertion of Section 2(A) by the power conferred under Regulation VII of 1963 to the Hindu Succession Act with effect from 01.10.1963, provided that notwithstanding anything contained in Sub-Section (1) of Section 2 of the Hindu Succession Act, nothing contained in that Act shall apply to Renoncants of the Union Territory of Pondicherry. It was submitted

by the learned Senior Counsel that the Hindu Succession Act will certainly apply to the parties at lis and consequently he urged that not just the facts require re-examination but the entire Judgment requires re-examination to determine whether the conclusion reached was also correct.

15. The learned Senior Counsel relied on **2009 (5) CTC 365 [Inderchand Jain (D) through LRs. Vs. Motilal (D) through LRs.]** wherein the Hon'ble Supreme Court had observed as follows in paragraph No.25:-

"25. The High Court had rightly noticed the review jurisdiction of the court, which is as under:

"The law on the subject - exercise of power of review, as propounded by the Apex Court and various other High Courts may be summarized as hereunder:

(i) *Review proceedings are not by way of appeal and have to be strictly confined to the scope and ambit of Order 47 Rule 1 C.P.C.*

(ii) *Power of review may be exercised when some mistake or error apparent on the fact of record is found. But error 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 the points where there may be conceivable be two opinions.*

(iii) *Power of review may not be exercised on the ground that the decision was erroneous on merits.*

(iv) *Power of review can also be exercised for any sufficient reason which is wide enough to include a misconception of fact or law by a court or even an Advocate.*

(v) *An application for review may be necessitated by way of invoking the doctrine 'actus curiae neminem gravabit'."*

[Emphasis Supplied]

16. The learned Senior Counsel therefore stated that the power of Review is wide enough to include re-examination of a

misconception of law by a Court and consequently he urged that the entire Judgment has to be re-visited right from stating the facts to the conclusion. The learned Senior Counsel further stated that this exercise is required in view of the ratio laid down in subsequent Judgments of this Court, one by a Division Bench and another by a learned Single Judge. The first Judgment relied on was **2018-1-L.W.-209 [Muthaiyan Vs. Poongothai and Others]** wherein a Division Bench had held that the Hindu Succession Act, 1956 would apply to the inhabitants of Union Territory of Pondicherry except those who had renounced their rights. The second Judgment relied on was **2017 (4) CTC 503 [Gowri Vs. Subbu Mudaliar and others]** wherein a learned Single Judge of this Court had held that Hindus in Pondicherry would be governed by the provisions of the Hindu Succession Act and all customary laws shall cease to have effect with respect to any matters dealt by the Act. In view of the said position of law, the learned Senior Counsel again urged that not only the facts must be revisited but also the entire Judgment requires reconsideration.

17. Per contra Mr.T.P.Manoharan, learned Senior Counsel relied on **(1995) 1 SCC 170 [Meera Bhanja Vs. Nirmala Kumari Choudhury]** with respect to the scope of a Review Application. The learned Senior Counsel relied on paragraph Nos. 8 & 9 of the said Judgment which are quoted below:-

"8. 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, CPC. In connection with the limitation of the powers of the court under Order 47, Rule 1, while dealing with similar jurisdiction available to the High Court while seeking to review the orders under Article 226 of the Constitution of India, this Court, in the case of Aribam Tuleshwar Sharma v. Aribam Pishak Sharmal, speaking through Chinnappa Reddy, J., has made the following pertinent observations: (SCC p. 390, para3) 1 (1979) 4 SCC 389: AIR 1979 SC 1047 "It is true as observed by this Court in Shivdeo Singh v. State of Punjab (AIR 1963 SC 1909), there is nothing in Article 226 of the Constitution to preclude the High Court from exercising the power of review which inheres in every Court of plenary jurisdiction to prevent miscarriage of justice or to correct grave and palpable errors committed by it. But, there are definitive limits to the exercise of the power of review. 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 be exercised **where some mistake or error apparent on the face of the record is found**; it may also be exercised on any analogous ground. But, **it may not be exercised on the ground that the decision was erroneous on merits. That would be the province of a court of appeal.** A power of review is not to be confused with appellate power which may enable an appellate court to correct all manner of errors committed by the subordinate court."

9. Now it is also to be kept in view that in the impugned judgment, the Division Bench of the High Court has clearly observed that **they were entertaining the review petition only on the ground of error apparent on the face of the record and not on any other ground.** So far as that aspect is concerned, it has to be kept in view that **an 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

*conceivably be two opinions. We may usefully refer to the observations of this Court in the case of **Satyanarayan Laxminarayan Hegde v. Mallikarjun Bhavanappa Tirumale** wherein, **K.C. Das Gupta, J., [AIR 1960 SC 137 (1960) 1 SCR 890]** speaking for the Court has made the following observations in connection with an error apparent on the face of the record:*

An error which has to be established by a long-drawn process of reasoning on points where there may conceivably be two opinions can hardly be said to be an error apparent on the face of the record. Where an alleged error is far from self-evident and if it can be established, it has to be established, by lengthy and complicated arguments, such an error cannot be cured by a writ of certiorari according to the rule governing the powers of the superior court to issue such a writ."

18. It is thus seen that the Hon'ble Supreme Court had held that 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 CPC**. Moreover a Review Petition can be entertained only on the ground of error apparent on the face on record and not on any other ground.

19. The learned Senior Counsel also relied on **(2008) 8 SCC 612 [State of West Bengal and Others Vs. Kamal Sengupta and Another]**, again with respect to the scope of Order 47 Rule 1 CPC and more particularly with respect to the **Explanation to Order 47 Rule 1 CPC**. The learned Senior Counsel relied paragraph Nos. 19, 20, 22 which are as follows:-

*“19. Before proceeding further, we consider it proper to mention that **there was divergence of opinion** among the High Courts on the question **whether the subsequent contra judgment by the same or a superior Court** on a point of law **can be treated as an error apparent on the face of the record** for the purpose of review of an earlier judgment. In **Lachhmi Narain Balu vs. Ghisa Bihari and another [AIR 1960 Punjab 43]**, the learned Single Judge of the then **Punjab High Court** held that **the Court cannot review its judgment** merely because in a subsequent judgment different view was expressed on the same subject matter. In **P.N. Jinabhai vs. P.G. Venidas [AIR 1972 Gujarat 229]**, the learned Single Judge of the **Gujarat High Court** considered the question whether the Court*

can revise its view on the question of pecuniary jurisdiction simply because the same has been rendered doubtful in the light of subsequent decision of the High Court and **answered the same in negative**. However, a contrary view was expressed in **Thadikulangara Pylee's son Pathrose vs. Ayyazhiveettil Lakshmi Amma's son Kuttan and others [AIR 1969 Kerala 186]**. In that case, the learned Single Judge of the **Kerala High Court** opined that **a subsequent decision authoritatively declaring the law can be made basis for reviewing an earlier judgment**. The **Law Commission** took cognizance of these divergent opinions and **suggested amendment of Order 47**. That led to **insertion of explanation below Rule 2 of Order 47 by Civil Procedure Code (Amendment) Act, 1976**. The same reads as under:

Explanation.- **The fact that the decision on a question of law on which the judgment of the Court is based has been reversed or modified by the subsequent decision of a superior Court in any other case, shall not be a ground for the review of such judgment.**

20. In Nalagarh Dehati Co-operative Transport Society Ltd., Nalagarh vs. Beli Ram etc. [AIR 1981 HP 1] a Full Bench of **Himachal Pradesh High Court** considered the above reproduced explanation and held that a subsequent judgment of the **Supreme Court** or a larger bench of the same Court taking a contrary view on the point covered by the judgment does not amount to a mistake or error apparent on the face of the record. In **Gyan Chandra Dwivedi vs. 2nd Additional District Judge, Kanpur and others [AIR 1987 Allahabad 40]**, the learned Single Judge of **Allahabad High Court** took cognizance of the explanation, referred to the judgment of this Court in **Aribam Tuleswar Sharma v. Aribam Pishak Sharma [AIR 1979 SC 1047]** and held :

"9. It will thus be seen that while power of review may be inherent in the High Court to review its own order passed in a writ petition, the same has to be exercised on well recognised and established grounds on which judicial orders are reviewed. For example the power may be exercised on the discovery of some new and important matter or evidence which was not within the

knowledge of the parties seeking review despite due exercise of diligence when the order was made. **Review can also be sought when the order discloses some error apparent on the face of record or on grounds analogous thereto.** These are all grounds which find mention in various judicial pronouncements right from the earliest time as well as in the **Rules of Order XLVII of the Civil P.C.** as permissible grounds of review.

An Explanation was added to Order XLVII Rule 1 by the amendment of the Civil P.C. by Central Act No. 104 of 1976. It reads :

"The fact that the decision on a question of law on which the judgment of the Court is based has been reversed or modified by the subsequent decision of a superior Court in any other case, shall not be a ground for the review of such judgment."

"10. This explanation was added on the recommendation of the law Commission to put an end to the controversy which had arisen as regards **whether a judgment could be reviewed** merely on the ground that the decision on a **question of law** on

which the same was founded **has been reversed or modified by the subsequent decision of a superior Court**. Almost all the High Courts, save for the solitary exception of **Kerala High Court**, were unanimous in their opinion that the fact that the view of law taken in a judgment has been altered by a subsequent decision of a superior Court in another case could not afford a valid ground for the review of the judgment."

21.

"22. The term '**mistake or error apparent**' by its very connotation signifies an error which is evident per se from the record of the case and **does not require detailed examination**, scrutiny and elucidation either of the facts or the legal position. If an error is not self-evident and detection thereof requires long debate and process of reasoning, it cannot be treated as an error apparent on the face of the record for the purpose of **Order 47 Rule 1 CPC or Section 22(3)(f) of the Act**. To put it differently **an order or decision or judgment cannot be corrected merely because it is erroneous in law or on the**

*ground that a different view could have been taken by the Court/Tribunal on a point of fact or law. In any case, **while exercising the power of review, the concerned Court/Tribunal cannot sit in appeal over its judgment/decision.***"

[Emphasis supplied]

It was thus pointed out that under the guise of examining an error apparent on the face of the record, the Court cannot seek to examine as an appellate Authority. The learned Senior Counsel insisted that the Review Applications must be dismissed.

20. I have carefully considered the arguments advanced on the scope of review as enunciated under Order **47 Rule 1 CPC**. **Order 47 Rule 1 CPC** is as follows:-

"1. Application for review of judgment— (1) Any person considering himself aggrieved—

(a) by a decree or order from which an appeal is allowed, but from which no appeal has been preferred,

(b) by a decree or order from which no appeal is allowed, or

*(c) by a decision on a reference from a Court of Small Causes, and who, from the discovery of new and important matter or evidence which, after the exercise of due diligence was not within his knowledge or could not be produced by him at the time when the decree was passed or order made, or on **account of some mistake or error apparent on the face of the record** or for any other sufficient reason, desires to obtain a review of the decree passed or order made against him, may apply for **a review of judgment to the Court which passed the decree or made the order.***

(2) A party who is not appealing from a decree or order may apply for a review of judgment notwithstanding the pendency of an appeal by some other party except where the ground of such appeal is common to the applicant and the appellant, or when, being respondent, he can present to the Appellate Court the case on which he applies for the review.

*[Explanation—The fact that the decision on a question of law on which **the judgment of the Court** is based **has been***

reversed or modified by the subsequent decision of a superior Court in any other case, shall not be a ground for the review of such judgment.]”

21. This Explanation clearly states that a subsequent decision shall not be a ground for review. This stipulation has also been affirmed by ***[State of West Bengal and Others Vs. Kamal Sengupta and Another]*** cited ***supra***. The Hon'ble Supreme Court had very clearly stated that **an Order or decision or Judgment cannot be corrected merely because it is erroneous in law or on the ground that a different view could be taken on a point of fact or law**. More over, the scope of the Explanation had also been examined and it had been stated that the **Explanation had been added by the amendment of the Civil Procedure Code on the recommendation of the Law Commission**. Thus it is very clear that while undertaking an exercise of Review under **Order 47 Rule 1 of the Code of Civil Procedure**, the **Court can only correct the mistakes apparent**. Whether the Judgment was erroneous in law or whether a different view could have been taken on a point of law or fact or whether a subsequent Judgment could be applied to the Judgment under review and the conclusion interfered with are all beyond the scope of review.

22. In the instant case, the Hon'ble Supreme Court had also **granted permission to file a Review Application only since "the facts has been wrongly mentioned."** Taking guidance from the above expressed principles and on the basis of the arguments advanced, I shall now examine the Judgment under Review to examine whether any portion of the facts wrongly mentioned has to be corrected or not.

23. Even though Mr.S.Subbiah, learned Senior Counsel stated that the learned Single Judge had noted down the arguments of the learned Senior Counsel for the appellants as if they have been advanced by the learned Senior Counsel for the respondents and vice-versa, a careful perusal of the grounds of Review reveal that such a ground had not been taken to Review the Judgment. I therefore hold that the portion of the Judgment wherein the arguments of the learned Senior Counsels have been extracted does not require any consideration.

24. Both the learned Senior Counsels were in one page on the aspect that the **parties herein were not Renoncants. They were native Hindus of Union Territory of Puducherry.** Consequently, only those portions were the learned Judge had categorised the parties as **"Renoncants"** alone are reviewed /

corrected. Thus, the following portions of the Judgment under Reviews alone are corrected:-

I. In paragraph 7, from about line 7 till the end of the paragraph, the learned Judge had observed as follows:-

“The learned Senior Counsel further submitted that by virtue of the power conferred under Regulation VII of 1963, Section 2(A) was inserted to the Hindu Succession Act with effect from 01.10.1963, and as per Section 2(A), notwithstanding anything contained in sub-section (1) of Section 2 of the Hindu Succession Act, nothing contained in that Act shall apply to the Renoncants of the Union Territory of Pondicherry. The learned Senior Counsel further submitted that the Renoncant is a native resident of former French possessions in India, who has renounced his personal law and adopted the French Civil Law.”

These are general statements and do not form the basis for the conclusion reached and consequently, they are not corrected even though the learned Judge had mentioned about “Renoncants”.

II. In **paragraph 8**, the learned Judge in **lines 5 and 6** had used the word ***“Renoncants”***. Those words **are removed** and the words ***“Native Hindus of Union Territory of Puducherry”*** are **replaced**.

III. In **paragraph 9**, in **line 5** again the word ***“Renoncants”*** is replaced by the words ***“Native Hindus of Union Territory of Puducherry.”***

IV. In **paragraph 10**, though the name of the counsel Mr.S.Subbaiah is mentioned and it is stated that the arguments were actually advanced by Mr.G.Masilamani, Senior Advocate, I am not correcting the extract of the arguments at this point of time and without the same being mentioned in the grounds of review, I cannot examine that fact.

V. In **paragraph No.14**, the words in the middle of the **first sentence in the second line** stating ***“and therefore, he was a renoncant, as per the definition of the word “Renoncant”, as stated in P.ramanatha Aiyar's the Law Lexicon, II Edition, 1997., are removed.”***

Similarly in the same paragraph **after the extract of Section 2(A) of Hindu Succession Act**, the words ***“renoncant”*** at two different places will have to be replaced with the words ***“Native Hindus of Union Territory of Puducherry.”***

VI. It had been urged by Mr.T.P.Manoharan that the **first sentence in paragraph No. 17** must be removed. However I disagree since it is a statement by the learned Judge, not a statement of facts.

25. Even though Mr.S.Subbaiah invited this Court to render a finding on the ultimate conclusion on the legal and factual aspects I refrain from doing so.

26. The Registry ~~is directed~~ to issue a fresh copy of the Judgment dated 29.03.2012 which is under Review after carrying out the corrections as stated above.

27. The Hon'ble Supreme Court had also granted liberty to the parties to file compromise before the High Court. Accordingly, **two compromise memos were filed in both the Review Applications.** To test the bonafide of the signatories to the compromise memos and also to identify them and also since there was

an impression of thumb mark and a signature in Tamil, this Court had requested the **Assistant Registrar (OS-I)** to be an interpreter of the Court to explain to the parties, the nature of the compromise and to get affirmation as to their terms of the compromise. When the **parties appeared before the Assistant Registrar (OS-I), they denied and disowned their signatures.** They stated that they were never in Chennai on the date mentioned in the compromise deed. They further stated that they were under the impression that they were signing an amendment application. They further stated that they never intended to give up their rights as citizens of this Country. A final report was given to this Court by the **Assistant Registrar (OS-I), High Court, Madras** along with a statement of the signatories to the compromise deed, which was counter signed both by the Assistant Registrar and by the interpreter of this Court. I hold that a deliberate attempt had been made to produce a false document before this Court which prevailed the Court to pass a decree on the terms of the Compromise Memos to the detriment of the parties. In order to find out whether as a fact, forgery of signatures had actually happened and whether false documents have been filed with knowledge that they were false and forged, this Court had directed the Deputy Registrar, (AS), Madras High Court, to file a police complaint before the jurisdictional police and the enquiry into the complaint. Consequently, even though compromise memos were

filed before this Court, they are not recorded and are not taken on file.

28. With the above observations, the Review Applications are allowed to the limited extent stated above. No costs.

29. Registry is again directed to carry out the necessary corrections mentioned supra and to issue a fresh order copy in S.A.Nos. 209 & 210 of 1998 dated 29.03.2012.

03.09.2019

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Index: Yes/No
Internet: Yes/No



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C.V.KARTHIKEYAN, J.,

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Pre-delivery Order made in
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