BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 24.03.2022
CORAM:
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
Rev.Aplc(MD)No.234 of 2019
in
S.A.(MD)No.722 of 2014

1.Loganatha Pandian

2.Kathiresan

3.Arulpandi ... Petitioners / Appellants

Vs.

Pauldurai Nadar ... Respondent / Respondent

PRAYER: Petition filed under Order 47 Rule 1 r/w Section 114 of C.P.C., praying to review the order passed by this Court in S.A.(MD) No.722 of 2014 dated 08.10.2018.

Prayer in SA(MD).No.722 of 2014:

This Second Appeal has been filed under section 100 of CPC, against the Judgment and Decree dated 26.06.2014 made in A.S.No. 27 of 2013 passed by the learned Principal Subordinate Judge, Tenkasi Confirming the Judgment and Decree dated 30.08.2013 in O.S.No.90 of 2008 passed by the learned Principal District Munsif, Tenksi.

For Petitioners : Mrs.P.Jessi Jeeva Priya for Mr.Y.Prakash

For Respondent : Mr.T.S.R.Venkataramana

ORDER

Heard the learned counsel appearing for the review applicants and the learned counsel appearing for the respondent.

2. The review application has been filed for reviewing the judgment and decree dated 08.10.2018 made in S.A.(MD)No.722 of 2014. The respondent herein filed O.S.No.90 of 2008 on the file of the Principal District Munsif Court, Tenkasi for declaration and permanent injunction. By judgment and decree dated 30.08.2013, the suit was decreed as prayed for. Aggrieved by the same, the review applicants herein filed A.S.No.27 of 2013 before the Sub Court, Tenkasi. By judgment and decree dated 26.06.2014, the appeal was dismissed. Challenging the same, the applicants herein filed S.A. (MD)No.722 of 2014. The second appeal was also dismissed. Thereafter, this review application has been filed.

3. The learned counsel appearing for the review applicants submitted that the order under review does not deal with the revenue

records which clearly indicate that the review applicants are in possession of the suit property.

4. As rightly pointed out by the learned counsel appearing for the respondent, no ground has been made out for review.

5. Section 100 of C.P.C is as under:-

> "(4) Where the High Court is satisfied that a substantial question of law is involved in any case, it shall formulate that question.
> (5) The appeal shall be heard on the question so formulated and the respondent shall, at the hearing of the appeal, be allowed to argue that the case does not involve such question "

6. The second appeal was admitted only on the following substantial questions of law:-

> "1.Whether the courts below is legally correct in deciding the issue of non-joinder of parties as per Order 1 Rule 9 CPC?
> 2. Whether the courts below is legally correct in deciding the legality of Ex.A2 and Ex.A7?"

No other substantial question of law was formulated. Therefore, the scope of the second appeal was confined to answering those two substantial questions of law alone.

7. Be that as it may, the learned counsel appearing for the respondent would point out that before the respondent herein purchased the suit property, the revenue records reflected the name of his predecessor-in-title. After purchase, the name of the respondent was included. Thereafter, at the instance of the third defendant who is said to be a revenue inspector, the respondent's name was deleted and the names of the appellants herein were incorporated. In any event, three Court have confirmed that the respondent is in possession of the suit property. It is futile on the part of the review applicants to contend that the judgment and decree dated 8.10.2018 in S.A.(MD)No.722 of 2014 should be reviewed on the ground that the revenue records were not considered. I find no ground to review. There is no error apparent on the face of the record. The review application stands dismissed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1.The Principal Sub Judge, Tankasi.

2.The Principal District Munsif, Tankasi.

+1 CC to M/s.T.S.R.VENKAT RAMANA, Advocate (SR-14065[F] dated 24/03/2022)

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