



WEB COPY

REV.APLC. (MD)Nos.141 and 142 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **17.12.2019**

CORAM:

THE HONOURABLE MR.JUSTICE **R.SUBRAMANIAN**

REV.APLC. (MD)Nos.141 and 142 of 2019

Kamaliyal : Petitioner in both petitions

Vs

1.Paul Raj

2.Murugeswari : Respondents in both petitions

COMMON PRAYER: Review Applications are filed under Section 114 and Order 47 Rule-I of the Code of Civil Procedure, to set aside the judgment and decree made in S.A.(MD)Nos.399 and 400 of 2017, dated 29.10.2018 by allowing these review petitions.

Prayer in SA(MD). 399/ 2017 :

To set aside the Judgement and Decree 17/02/2017 passed in A.S.No. 37 of 2012 on the file of the Learned II Additional Subordinate Judge, Nagercoil Kanyakumari District (Camp Judge, Kuzhithurai) confirming the Judgement and Decree dated 16/04/2012 passed in O.S.No. 569 of 2001 on the file of Learned II Additional District Munsif Court, Kuzhithurai, Kanyakumari District by allowing this Second Appeal.

Prayer in SA(MD). 400/ 2017 :

To set aside the Judgement and Decree 17/02/2017 passed in A.S.No. 38 of 2012 on the file of the Learned II Additional Subordinate Judge, Nagercoil Kanyakumari District (Camp Judge, Kuzhithurai) confirming the Judgement and Decree dated 16/04/2012 passed in O.S.No. 445 of 2001 on the file of Learned II Additional District Munsif Court, Kuzhithurai, Kanyakumari District by allowing this Second Appeal.

For Petitioner : Mr.G.Ramanathan
(in both petitions)

COMMON ORDER

The petitioner seeks to review the judgment of this Court dated 29.10.2018 made in S.A.(MD)Nos.399 and 400 of 2017.

<https://hcservices.ecourts.gov.in/hcservices/>



2. The second appeals arose under the following circumstances:-

(i) The petitioner as plaintiff filed a suit in O.S.No.445 of 2001 seeking declaration of his title to the suit property, recovery of possession of the 'B' schedule property, mesne profits and for costs. The defendants in the said suit filed counter suit in O.S.No.569 of 2001 seeking to set aside the sale deed, dated 25.01.1999 alleged to have been executed by them in favour of the plaintiff in O.S.No.445 of 2001 as null and void, to declare their title and possession and for costs. Both suits were tried together.

(ii) The trial Court by a common judgment dated 16.04.2012 decreed the suit in O.S.No.569 of 2001 while dismissing the suit in O.S.No.445 of 2001. Hence, the review petitioner filed two appeals in A.S.Nos.37 and 38 of 2012. The lower appellate Court concurred with the conclusions of the trial Court and by its judgment dated 17.02.2017 dismissed both the appeals. Aggrieved by the said judgment, the petitioner herein filed two second appeals as stated above.

3. Both the appeals came to be dismissed by this Court on 29.10.2018. The petitioner now seeks review of that judgment rendered in those second appeals.

4. I have heard Mr.G.Ramanathan, learned counsel for the petitioner. The main ground of attack in these review petitions is that the admission of the Xerox copy of Ex.A17 in evidence is not legal. Ex.A17 is the copy of the VISA obtained for the son of the review petitioner. The plaintiffs in O.S.No.569 claim that they had helped the review petitioner to obtain VISA for his son to travel to Singapore spending huge amount and the same was the cause for the dispute between the parties. The plaintiffs in O.S.No.569 of 2001 were able to produce the Xerox copy of the VISA, which was admitted as evidence.

5. The learned counsel for the review petitioner would contend that while primary evidence is available, the Courts were not right in accepting the secondary evidence in the form of a Xerox copy. The learned counsel would also draw my attention to the operative portion of the judgment of this Court, wherein it is stated that "Ex.A17, VISA, was not obtained for the defendant's son". The portion of the judgment relied upon by the learned counsel in fact a typographical error apparently, the word "If" is missing. The sentence, which is pointed out by the learned counsel reads as follows:-



"Ex.A17 is not obtained for the son of the defendant, there is no need or necessity for the defendant for obtaining the sale deed Ex.B2 from the plaintiffs and there is not need to approach the Court."

6. It is apparent that the word "If" that should have preceded Ex.A17. The sentence without the word "If" conveys no meaning. Hence, I find that the typographical error is now attempted to be made a cause for seeking review. The petitioner wants to make a mountain out of a molehill. Apart from the above, no other point was argued in respect of the review petitions. In fact, no other ground is raised in the grounds of review petitions. I do not think that mere typographical error would alone constitute an error apparent on the face of the record, in order to enable me to entertain these review petitions. Hence, these review petitions are dismissed. No costs.

Sd/-

Assistant Registrar (RECORD)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

Ta

TO

1.The IInd Additional Subordinate Judge,
Nagercoil, Kanyakumari District (Camp Judge, Kuzhithurai)

2.The IInd Additional District Munsif Court,
Kuzhithurai, Kanyakumari District

+1 CC to Mr.G.RAMANATHAN, Advocate (SR-105523[F] dated 18/12/2019)

REV.APLC. (MD) Nos.141 and 142 of 2019
17.12.2019

KM/(07.01.2020) 3P 4C