

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.02.2020

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

Review Application.No. 30 of 2020
in
S.A.No. 180 of 2015

Masilamani
W/o. Inbasekaran
Rep.by Power Agent of Inbasekaran
H.Thottampatti Village & Post
Harur Taluk
Dharmapuri District. .. Appellant

..Vs..

Vajjirammal
S/o. Sathasivam
H.Thottampatti Village & Post
Harur Taluk
Dharmapuri District. .. Respondent

PRAYER : Petition filed Under Order 47 Rules 1 & 2 read with Section 114 of the Code of Civil Procedure, against the Judgment passed in S.A.No. 180 of 2015, dated 27.08.2019.

For Petitioner : Mr.P.Valliappan

For Respondents : Mr.Mohamed

ORDER

Heard the learned counsel for the petitioner and also the respondent.

2. In view of the submissions made, Paragraph Nos. 20 of the order is reviewed and the following paragraph is substituted as follows;

“ The above conclusion also leads to the further conclusion that the questions raised in S.A.No. 180 of 2015 are reduced only to an academic exercise. It is however seen that both courts below had dismissed the suits on the ground that Vajjirammal had vacated, failing to note that injunction was sought restricting her from alienating the suit property. Alienation of property is independent of possession of the suit property. In view of that fact the Judgment and Decree of both courts below are reversed, the appeal is allowed.”

3. In the Review petition, it is also mentioned that in the order, S.A.No. 796 of 2015 has been wrongly mentioned as S.A.No.796 of 2017. Therefore Paragraph No.21 is substituted as follows;

" 21. In the result,

- (1) S.A.No.796 of 2015 is allowed;
- (2) S.A.No.180 of 2015 is allowed;
- (3) there are no orders as to costs. Consequently, connected miscellaneous petition is closed."

4. The Review Application is considered since there is an apparent error on the face of the record, as the Court over looked the fact that the

two properties, two separate Survey numbers and two separate suits were instituted.

5. Registry is directed to carry out the amendments mentioned above and draw the decree on or before 26.03.2020.

26.02.2020

kmm
Index : Yes / No
Internet : Yes / No

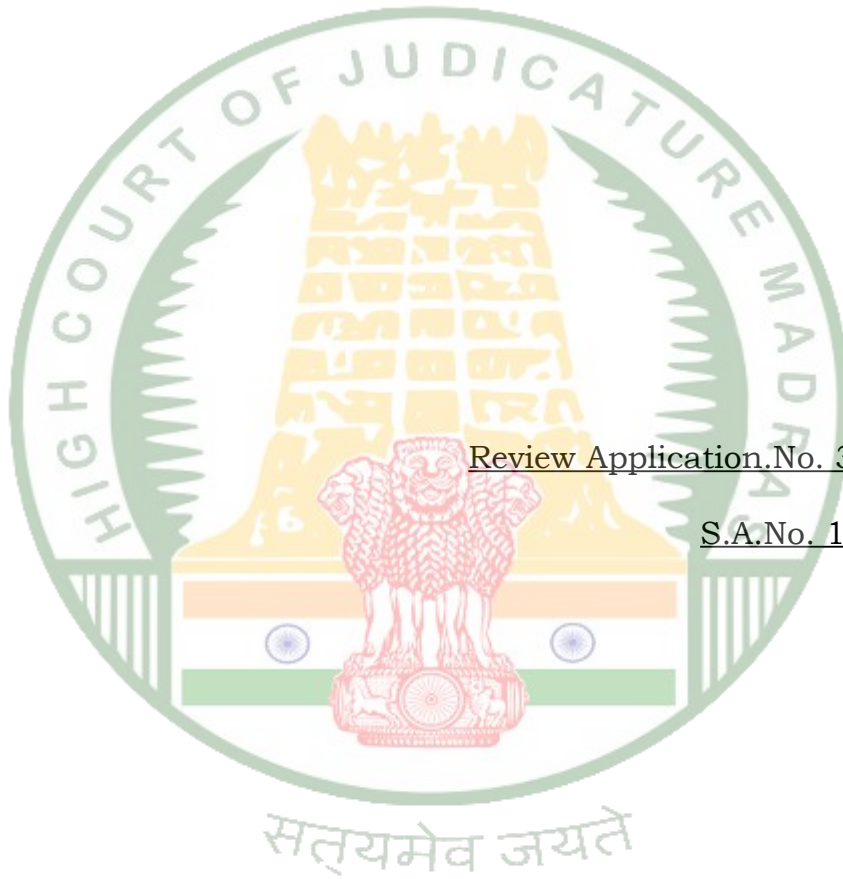


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C.V.KARTHIKEYAN.J,

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