



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Rev.Aplc.(MD)No.49 of 2020

WEB COPY

William Devapriyam @ William (Died)

J.Balaji

... Petitioner/2nd Appellant

Vs.

Tamilarasi

... Respondent/Respondent

PRAYER: Review Petition filed under Section 114 and R/w Order 47 Rule 1 of Code of Civil Procedure against the judgment and decree dated 17.02.2020 made in S.A.(MD)No.279 of 2013.

PRAYER IN SA(MD)No.279 OF 2013:

This Second Appeal is filed under section 100 of Civil Procedure Code, to set aside the Judgment and decree dated 25/08/2011 passed in AS No.61 of 2010 on the file of the Additional District Court(Fast Track Court),Dindigul, reversing the Judgment and decree dated 30/9/2010 passed in O.S.No.28 of 2006 on the file of the Additional Sub Court, Dindigul.

For Petitioner : Mr.A.Arumugam

For Respondent : Mr.S.Anand Chandrasekar
for M/s.Sarvabhauman Associates.

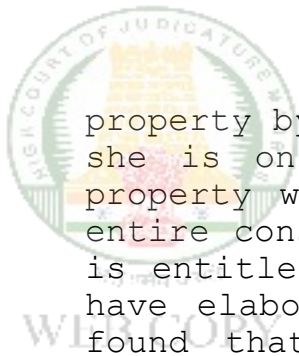
ORDER

This Review Petition has been filed to review the judgment made by this Court in S.A.(MD)No.279 of 2013, dated 17.02.2020.

2. The Review is sought mainly on the ground that the Court ought to have granted the relief and there is no bar to grant the relief as against the defendant alone, in view of the relationship between the the licensor and licensee. Hence, the learned counsel sought to review the entire judgment itself.

3. On a perusal of the entire review petition, this Court is painful to note that what was sought to be reviewed is the entire judgment of this Court, as appellate Court, as if hearing the appeal once again as against the judgment already rendered. It is well settled that the review of any judgment can be made only when there is a discovery of new facts or documents came into possession recently which play a major role in decision making and it was not produced at the time of trial or error apparent on the face of the records or for any other sufficient reason.

4. The suit has been originally, laid claiming title over the



property by the plaintiff as against his own daughter, alleging that she is only a lessee and the allegation that though the suit property was purchased in the name of the plaintiff's mother, the entire consideration has been paid by the plaintiff. Therefore, he is entitled for declaration. The Courts below and also this Court have elaborately, dealt with the allegations of the plaintiff and found that the contention of the plaintiff is not correct and dismissed the suit for declaration and also recovery of possession. The manner in which the case was projected, merely indicates that the plaintiff in fact tried to exclude other legal heirs viz., his own brothers and sisters from claiming any share in the property, which has been negated by this Court.

5. The *pendente lite* purchaser is the present review petitioner and he has purchased the property during the pendency of the suit. Now, he seeks to set aside the entire judgment. Such application is nothing, but an abuse of process of law. Accordingly, I do not find any merit in this application and the same deserves to be dismissed.

6. Accordingly, this Review Application is dismissed. When the Court is about to impose heavy costs, Mr.A.Arumugam, the learned counsel appearing for the petitioner submits that the application is filed only at the instance of his client and imposing such costs will create a bad impression upon the lawyers and pleads not to impose any costs. Considering his request and he is also one of the fair lawyers appearing before this Court, this Court restrains itself from imposing any costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsm

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Additional District Court,
Fast Track Court, Dindigul.

2.The Additional Sub Court,
Dindigul.



+1 CC to M/s.L.PRABU, Advocate (SR-6322[F] dated 19/02/2021)

+1 CC to M/s.A.ARUMUGAM, Advocate (SR-6525[F] dated 22/02/2021)

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