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IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 09.11.2021
CORAM

THE HON'BLE Mr. JUSTICE G.K.ILANTHIRAIYAN

Review Application No.63 of 2021
in SA.No.1539 of 2002

1. T. Murugaiyan
2. T. Ravi
3. D.Loganayaki
4. A. Anusuya
5. K. Santhakumari
6. S. Jamuna
7. Minor S. Saranya
8. Minor S. Vidya
(Minors 7 & 8 are rep. by mother
and guardian S.Jamuna)
(Cause title accepted vide as per order of the Court
dated 05.09.2002 made in CMP No.12296 of 2002
in SA.No.1539 of 2002) Applicants

Vs

1. Shanmugha Mudaliyar (Died)
2. Suryamurthi Mudaliyar
3. Maheswari
4. Gopalakrishnan
5. M. Dhandapani (Died)
(R1-died. RR2 & 3 are recorded as LR's of the
deceased R1. R5 died. R4 is recorded as LR
of the deceased R5 vide order of Court dated
20.09.2019 made in SA No.1539 of 2002
as per memo dated 20.08.2019 in SR No.
24529 of 2019) Respondents

Prayer :- Review Application filed under Order XLVII Rule 1
r/w. 114 of Civil Procedure Code to review the Judgment and
Decree dated 27.02.2020 made in S.A.No.1539 of 2002 on the
file of this Court.

Prayer in S.A.No.1539 of 2002:

This Second Appeal is filed under section 100 of Civil
Procedure Code against the judgment and decree dated
21.09.2000 in A.S.NO.37 of 1993 on the file Additional
Subordinate Court, Tindivanam, reversing the decree and
judgment and decree dated 20.07.1992 in OS.NO.500 of 1985 on
the Principal District Munsif, Tindivanam.

For Petitioners : Mrs.AL.Gandhimathi
for Mr.E.Kotteeswaran
For R2 : Mr.B.Kumar
Senior Counsel for Mr.Usharaman



O R D E R

This Review Application has been filed to review the Judgment and Decree passed by this Court dated 27.02.2020 in S.A.No.1539 of 2002.

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2. Mrs.AL.Gandhimathi, learned counsel appearing for the petitioner submitted that though the appellants raised specific ground for adverse possession in respect of the suit property, this Court, while admitting the Second Appeal, failed to frame the substantial question of law. The appellants raised specific ground that they are admittedly in possession of the suit property for several decades. She further submitted that in fact the Trial Court also framed issues in this regard. Therefore, this Court failed to discuss about the grounds raised by the appellants, while dismissing the Second Appeal.

3. Per contra, Mr.B.Kumar, learned Senior Counsel appearing for the second respondent submitted that the Trial Court has framed issues with regard to the adverse possession and the same was discussed in a detailed manner by the Appellate Court which rejected the claim of the appellants. He further submitted that the appellants and the respondents are close relatives and as such, they were permitted to reside in the suit property. That apart, it is nothing but abuse of process of law. and it cannot be considered in the Second Appeal. Therefore, there is no error apparent on the face of the record to review the Judgment passed by this Court and as such the Review Application is liable to be dismissed.

4. In view of the above, the Review Application is dismissed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

Lpp

To,

1.The Additional Subordinate Court,Tindivanam.

2.The Principal District Munsif,Tindivanam.

Copy to:

The Section Officer,

VR Section,High Court,Madras.

+1 cc to Mr.Usharaman, Advocate Sr.NO. 57529

Review Application No.63 of 2021

NR(CO)

A.SK(16.12.2021)