



Review Application No.63 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2021

CORAM

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

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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)

.... Applicants

Vs

1. Shanmugha Mudaliyar (Died)
2. Suryamurthi Mudaliyar
3. Maheswari
4. Gopalakrishnan
5. M. Dhandapani (Died)

.... 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.

For Petitioners : Mrs.AL.Gandhimathi
for Mr.E.Kotteeswaran

For R2 : Mr.B.Kumar
Senior Counsel for Mr.Usharaman



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ORDER

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.

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.



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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.

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Index: Yes/No
Internet: Yes/No
Speaking Order: Yes/No



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