

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.08.2021

CORAM

THE HON'BLE Mr. JUSTICE S.M.SUBRAMANIAM

Review Application Nos.102 & 103 of 2021

Zaibunnissa Begum (Deceased)

1.Syed Masood Ali
2.Syed Mir Mohammed Ali ...Petitioners in both RAs.

Vs

1.Hassena Begum
2.Syed Natif Nawaz
3.Arshiya Afsha ... 1 to 3 Respondents in both RAs.
4.Buhari Beevi ... 4th Respondent in RA No.102/2021
5.Indrani
6.M.Sangeetha
7.Aditya Birla Housing Finance Limited,
Having Office at No.5, 1st floor,
Srinivasa Tower, Cenotapah Road,
Teynampet, Chennai – 600 118.
... 4 to 6 Respondents in RA No.103/2021

COMMON PRAYER : Review Application filed under Order 47 Rule 1 read with 114 of CPC, praying to review its judgment and decree dated 04.02.2020 passed in A.S.No.465 of 2012 & A.S.No.842 of 2011, on the file of this Hon'ble Court.

For Petitioners : Mr.V.Ragavachari
for V.Sairam

..in both RAs.

For Respondents : M/s.N.A.Nizar Ahmed
for R1 to R3
M/s.C.P.Siva Mohan
for R4 & R5
No appearance for R6

.. in both RAs.

COMMON ORDER

These Review Applications are filed mainly on the ground that the Statement of Accounts in document dated 03.08.2012, issued by the State Bank of India, was not considered at the time of passing orders in the Appeal Suit. If at all, the said document was taken into account, then this Court would have considered the other aspects which all are in favour of the Review Petitioners. The document dated 03.08.2012, is the Statement of Accounts of Smt.Haseena Begum. The learned counsel for the petitioners reiterated that the said document is being vital was to be considered and the non-consideration resulted that the point was decided against the Review Petitioners. Thus, the order is to be reviewed.

2. The respective learned counsel appearing on behalf of the respondents solicited the attention of this Court with reference to the

findings in the judgment passed in the Appeal Suit. The learned counsels appearing for the respondents relied on the findings of the Appeal Suit in Paragraphs Nos.20, 21, 22, 24, 25, 27, 34 & 35 and reiterated that every aspect of the matter was considered by this Court at the time of final orders in the First Appeal and the Review Petitioners are attempting to re-adjudicate the matter on merits and the Review Applications are liable to be rejected.

3. Perusal of the grounds raised to review the judgment, this Court is of the opinion that certain merits are involved in such grounds and this Court has considered the merits elaborately and further considered in terms of compromise memo, submitted before this Court, in Ex.A9, which was referred in Paragraph No.34 of the Judgment. The grounds raised in the Review Petition may be grounds for an appeal, however, may not be accepted for the purpose of reviewing the order. Non-consideration of certain merits, if at all raised by the parties, they may prefer an appeal, but not the Review Application. The Courts cannot re-adjudicate the merits in Review Application as the scope of review is undoubtedly limited.

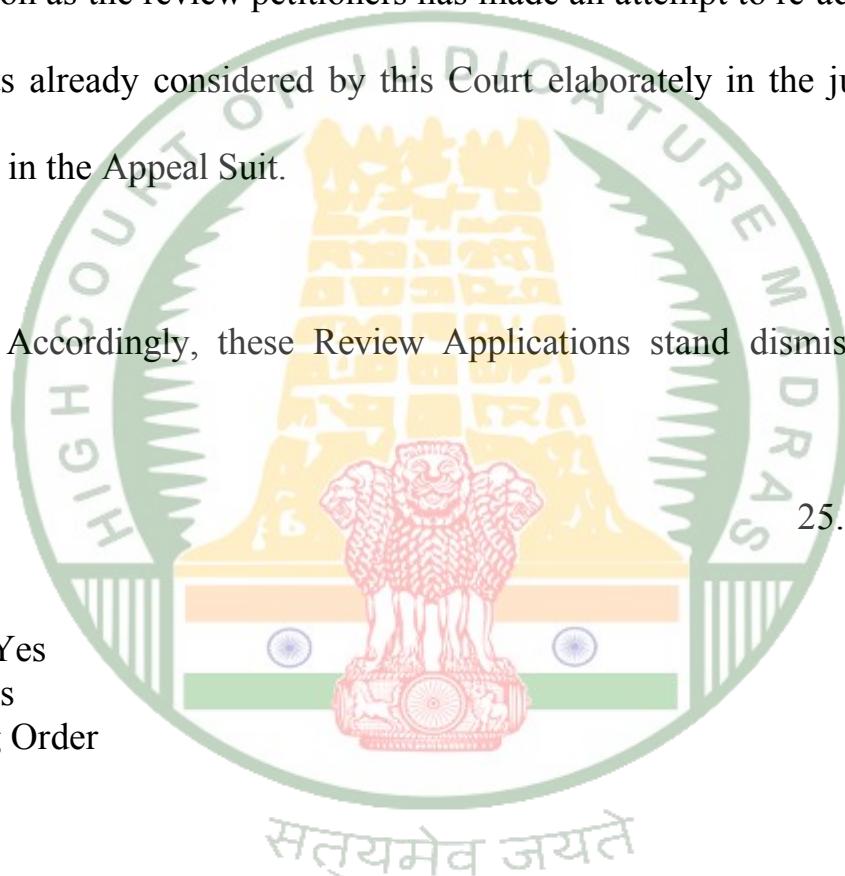
4. In view of the facts and circumstances, this Court do not find any acceptable ground for the purpose of entertaining a Review Application as the review petitioners has made an attempt to re-adjudicate the merits already considered by this Court elaborately in the judgment delivered in the Appeal Suit.

5. Accordingly, these Review Applications stand dismissed. No costs.

25.08.2021

Internet:Yes
Index:Yes
Speaking Order

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S.M.SUBRAMANIAM, J.

Pns



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