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Rev.Apl.No.209 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on: 02.09.2022

Delivered on: 07.09.2022

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Rev.Apl.No.209 of 2022

in

S.A.No.47 of 2013

1.S.K.Krishnan(deceased)

2.K.Saroja

3.Ravi Verma

4.K.Parthipan

5.K.Vinayagam

6.S.Jothilakshmi

.. Petitioners

(Aplts. 2 to 6 brought on record as LRS of the deceased sole aplt., vide order dated 11.01.2018 made in C.M.P.Nos.22314 to 22316/2017 in S.A.No.47 of 2013)

Vs.

1.Ambal Trades by Partner

M.Arumugam

2.E.Achutha Reddy(died)

3.Vijayalakshmi

4.Krishnaveni

5.Menaka

6.D.Shanthi

7.D.Sridhar

8.T.Natesan



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- 9.T.Rajendran
- 10.Mrs.K.Pushpa
- 11.K.Thangamani
- 12.K.Venkatesh
- 13.Mrs.Bhavani
- 14.Mrs.Rani
- 15.Mrs.Manimala
- 16.Mrs.Kavitha
- 17.V.Pachayappan
- 18.V.Elumalai
- 19.V.Kumaran
- 20.V.Anbu Selvi
- 21.K.Mahalakshmi
- 22.A.Dhanalakshmi
- 23.A.J.Gopal
- 24.A.Jayaraman
- 25.A.Loganathan
- 26.A.Maheswar
- 27.Sushila Jayaraman
- 28.A.J.Darmesh Kumar
- 29.A.J.Harini
- 30.A.J.Harshini
- 31.G.Uma
- 32.K.Veeraraghavan
- 33.Revathi
- 34.S.Kalavathy
- 35.S.Nirmala
- 36.K.Magesh

.. Respondents

Petition filed under Order 47 Rules 1 and 2 r/w Section 114 of C.P.C., against the judgment and decree dated 18.04.2022 in S.A.No.47 of 2013 & 294 of 2016 passed by this Court.



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For Petitioners: Mr.S.Mahaveer Shivaji

ORDER

This review application has been filed to review the judgment passed by this Court in S.A.No.47 of 2013, dated 18.04.2022.

2.Heard Mr.S.Mahaveer Shivaji, learned counsel appearing for the petitioners.

3.The learned counsel appearing for the petitioners submitted that the review petitioners are ready and willing to forgo their rights pertaining to Plot No.40 to an extent of 2255 Sq.Ft., and are also willing to allot sufficient extent of ingress and egress for Plot No.40. According to the learned counsel for the petitioners, the total extent of the property is 1.87 acres and the remaining extent after taking into consideration Plot No.40, continues to be in dispute even though the claim made by the respondents for Plot No.40 measures only an extent of 2255 Sq. Ft.

4.The learned counsel for the petitioners also submitted that the finding of this Court in the second appeal as if Plot No.40 is situated in



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Survey No.88 and not in Survey No.87, is an error apparent on the face of the record.

5.This Court carefully considered the grounds that have been raised in the review application and also the submission made by the learned counsel for the petitioners.

6.A review petition is not a ruse to reargue a case and make this Court once again go through the same process as was done at the time of deciding the second appeal. This case has a checkered history and it started in the year 1979 and the first round of second appeal was disposed of by this Court in the year 1999 and the second round of second appeal was disposed of by this Court on 18.04.2022. The grounds raised by the petitioners are all factual in nature and this Court is not in agreement with the ground raised by the learned counsel for the petitioners to the effect that Plot No.40, is not situated in Survey No.88. If the petitioners are aggrieved by the judgment passed in the second appeal, they should only take it by way of an appeal and the present review application will not redress the grievance of the



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petitioners. In any case, this Court does not find any error apparent on the face of the judgment and hence, there is no requirement to entertain the review application.

7.In the result, this Review Application stands dismissed. No costs.

07.09.2022

Index : Yes/No
Internet : Yes
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