



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

JUDGMENT RESERVED ON : 05.07.2022

JUDGMENT PRONOUNDED ON : 11 .07.2022

CORAM

THE HON'BLE MR. JUSTICE R.VIJAYAKUMAR

REV.APLC(MD)No.94 of 2022 & CMP(MD).No.5336 of 2022

in

SA(MD).No.741 of 2001

1.Chockalingam

2.Kathirvel (died)

3.Mangayarkarasi

4.Sankareswari

5.Meena

6.Sugunakumari

7.Ganesh

8.Jeyaradha

...Appellants/Appellants

Vs

1.Mercy Ammal

2.Stephen Selvaraj

3.Amaravathi Ammal



4.Chelladurai

5.Chellapa Joseph

....Respondents/Respondents

Prayer:- Review Application filed under Order XLVII Rule 1 of CPC r/w. Section 114 of CPC to allow this review petition against the judgment and decree dated 24.01.2022 in the S.A.No.741 of 2001 confirming the judgement and decree dated 11.10.2000 made in A.S.No.63 of 1999 passed by the Subordinate Judge, Sivakasi confirming the judgment and decree dated 31.03.1999 made in O.S.No.196 of 1995 passed by the District Munsif, Sivakasi.

For Appellants : Mr.G.Thangavel

JUDGMENT

The appellants in the second appeal are the review petitioners.

2.The respondents in the second appeal have filed O.S.No.196 of 1995 before the District Munsif Court, Sivakasi for the relief of bare injunction restraining the defendants from interfering with the peaceful possession and enjoyment of the suit schedule property. The said suit was decreed as prayed for. The defendants 2 to 5 have filed A.S.No.63 of 1999



before the Subordinate Court, Sivakasi. The learned Subordinate Judge was pleased to dismiss the first appeal. As against the same, the defendants 2 to 5 have filed the second appeal.

3. After hearing both the parties, this Court by the judgment and decree dated 24.01.2022 had dismissed the second appeal filed by the defendants 2 to 5. As against the said judgment and decree, the present review application has been filed.

4. A perusal of the grounds of review application reveal that the review applicants/appellants in the second appeal are attempting to reargue the second appeal. No error apparent on the face of the record has been brought to the notice of this Court to entertain the present review application. Under the guise of review application, the second appeal cannot be reargued. Hence, I do not find any merit in the review application which would attract the grounds as contemplated under Order 47 Rule 1 of C.P.C.

5. The learned counsel for the appellants had contended that while answering the substantial question of law No.1, it has been stated that the plaintiffs have established their possession over the suit schedule property



by filing Exhibits B2 to B4 and the same is not correct. However, in Paragraph No.12 of the judgment, the plaintiffs' side documents namely Exhibits A2 to A4 have been considered. Except this typographical error relating to the exhibits, no other grounds has been made out which requires review of the judgment and decree in the second appeal.

6.Hence, the review application is dismissed. However, Registry is directed to issue a fresh order copy by inserting Exhibits A2 to A4 in the place of Exhibits B2 to B4 in Paragraph No.13(1) of the second appeal judgment.

7.With the above observation, this Review Application stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

11 .07.2022

Index: Yes/No
Internet: Yes/No
msa



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R.VIJAYAKUMAR, J.

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