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Rev. Appl. No. 104 of 2022
against S.A.No. 1109 of 2005

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2023

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Rev. Appl. No. 104 of 2022
against
S.A.No. 1109 of 2005

T.V.Nagappa Mudaliar (died)

1. N.Anandan,
2. N.Annamalai

... Review Applicants

Versus

Angalammal,
W/o. T.V.Subramania Mudaliar

... Respondent

Prayer:- Review Application has been filed under Order 47 Rule 1 r/w
Sec.114 of Civil Procedure Code, against the judgment and decree dated
19.05.2020 passed by Hon'ble Mr. Justice P.Rajamanickam in S.A.No.1109
of 2005.

For Review Applicants : Mr.R.Vijaya Kumar

For Respondent : Mr.M.Venkadesh Kumar



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ORDER

The Review Applicants are the respondents in the Second Appeal and they have filed this Review Application to review the judgment dated 19.05.2020 passed in S.A.No.1109 of 2005, which was filed by Angalammal, as a landlady, challenging the judgment and decree passed by the Sub-Judge, Thiruvallur in A.S.No.130 of 2001 reversing the judgment and decree passed by District Munsif, Thiruttani in O.S.No.178 of 1992.

2. Mr.R.Vijaya Kumar, learned counsel for Review Applicants would submit that they have contested the case stating that there was no tenant and landlady relationship between them as well as denied title of plaintiff based on a sale deed relied on by the plaintiff. After hearing both sides, the learned judge has allowed the Second Appeal on analysing the findings of the court below from para 19 to 30 and finally held that the plaintiff is a landlady and the 1st respondent is a tenant. The plea of adverse possession claimed by the tenant is not proved before the court below. Accordingly, the Second Appeal was allowed based on the documents relied on by the



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plaintiff in Ex.A1 to A3. Furthermore, the learned judge concludes that the suit property was given in favour of appellant and subsequently, she executed a lease deed with the 1st respondent and thereafter, the tenancy was also terminated by issuing notice in the year of 1992 and Ex.A3 would clearly establish those facts.

3. On considering both side submissions as well as on perusal of records, the learned judge had passed the judgment on merit and there is no error apparent on the face of record. Now, the Review Applicants have filed the present Review Application to review the findings in the Second Appeal on raising the following ground :-

“7. It is further submitted that if really that Ex.A2 is a true and valid document expired on 25.08.1968. But the Ex.A3 is date 06.03.1992 in determining the tenancy after long lapse of 24 years for which no explanation is given by P.W.1 and the suit filed after the long lapse of 24 years is clearly barred even though the appellant has got a right under Ex.A1. But, her remedy is lost. For the notice Ex.A3 a suitable reply is sent



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under Ex.A4, which is not considered by trial court and the Hon'ble High Court. Apart from that, both the trial court and the Hon'ble High Court has not considered the mortgage executed by the family and the same is later discharged.”

But, all those findings are based upon evidence on record. Now, the Review Applicant wanted to review the entire findings of this court in the above Second Appeal, as it would not come under the scope of Review Application as there is no error on the face of record. The submission made on the side of respondent/landlady that by numbering this Review Application, they are not inclined to hand over the possession. Thus, the review application as such is not maintainable and the same is liable to be dismissed as no merit. If at all, the petitioner is aggrieved by the findings of this court in the Second Appeal, he has to approach the higher forum as per manner known to law. So, I do not find any error on the face of record or to review the findings in the judgment passed by this court in S.A.No.1109 of 2005. Accordingly, this Review Application is dismissed. No costs.

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T.V.THAMILSELVI, J.

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