



REV.APLC No.44 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

Review Application No.44 of 2020
and CMP Nos. 19172/21 & 3390 & 8999/22

1. P.Kuppammal
2. Mrs.Anjalai (Deceased) ... Petitioners

vs.

1. S.Subramanian
2. The Tahsildar,
Office of Tahsildar,
Cuddalore Taluk,
Cuddalore District. ... Respondents

PRAYER : Review Application is filed under Order 47 Rule 1 of the Civil Procedure Code read with Section 114 of the Civil Procedure Code, 1908, to review the judgment made in S.A.No.598 of 2019 dated 12.11.2019.

For Petitioners : Mrs.P.Kuppammal(Party-in-Person)

ORDER

The petitioner seeks review of the judgment in S.A.No.598 of 2019, dated 12.11.2019.



2. The grievance of the review applicants/appellants that is espoused in the review application is that the Government though served in the original proceedings, the appellate proceedings as well as the second appeal, did not appear before the trial Court and the first appellate court. In this second appeal alone, the Government Pleader appeared. It is also claimed by the 1st review applicant who appears in person that the absence of pleadings by the Government before the trial Court and appearance by the Government in the appellate Court ought not to have been ignored. She has also attempted to produce certain documents which are obtained after the disposal of the second appeal by me. The suit that was filed by the appellants/review applicants for a declaration of title, was dismissed mainly on the ground that they have not identified the property.

3. At the hearing of the second appeal, the original order of allotment was looked into and it was found that the original allottees did not have a right to alienate the property. Since the appellants had claimed that they had purchased the property from the original allottees, I have dismissed the appeal solely on the ground that since



REV.APLC No.44 of 2020

the sale in favour of the appellants is in violation of the conditions of assignment which could result in cancellation of the assignment itself, the appellants cannot claim valid title. Moreover, both the documents under which the appellants had claimed title, are unregistered documents and therefore, they cannot be pressed into service to prove their title. The review applicants now want to introduce some more documents and re-argue the entire matter which, I do not think, could be permitted considering the limited scope of review.

4. Hence, this Review Application is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

NCC : Yes / No
Index : Yes / No
Internet : Yes
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10.03.2023



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REV.APLC No.44 of 2020

R.SUBRAMANIAN, J.
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ORDER MADE IN
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