



Rev.Appl.No.53 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2024

CORAM :

THE HON'BLE MR. JUSTICE S.S.SUNDAR
AND
THE HON'BLE MR.JUSTICE P.B.BALAJI

Review Application No.53 of 2024

Thirumagal
Wife of Selvakumar .. Review Applicant

v.

Rajeshwari (Died)
1. Puvaneswary Balachandran @ Shantha
Wife of Late Balachandran
2. Iniyaval
Daughter of Late Balachandran
3. Sembian
Son of Late Balachandran
4. Vijayalakshmi
Wife of Late Ilangovan
5. Siddharth
Son of Late Ilangovan

6. The Collector
Cuddalore

7. The Tahsildar
Chidambaram .. Respondents



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Memorandum of Grounds of Review Application filed under Order XLVII, Rules 1 & 2 read with Section 114 of the Civil Procedure Code to review the judgment and decree dated 19.04.2023 made in A.S.No.183 of 2016.

For Review Applicant :: Mr.M.R.Thangavel

For Respondents :: Mr.R.Srinivas
 Senior Counsel for
 M/s Mythili Srinivas for
 R1 to R3

ORDER

(Order of the Court was made by S.S.SUNDAR,J.)

This review application is at the instance of the fifth defendant in the suit.

2. It is brought to our notice that the fifth defendant, though was given 1/4th share by acknowledging the benefit of decree in the counter claim, the decree does not reflect the share that was declared in favour of the fifth defendant, as per the judgment of this Court dated 19.04.2023 made in A.S.No.183 of 2016.



3. From the judgment of the trial Court, it is seen that the counter claim of first defendant was allowed and by virtue of the settlement deed executed by the mother, the first defendant in favour of the fifth defendant, the daughter is entitled to get allotment as per the counter claim. Whereas the trial Court has decreed the counter claim by declaring 19/96 share in favour of the first defendant. Since this Court has declared the fifth defendant's right to 1/4th share, the decree in the appeal has to be modified accordingly.

4. The respondents 1 to 3, who have now been granted 3/4th share as per the judgment of this Court, have no objection for the fifth defendant being given 1/4th share, instead of 19/96 share as per the decree in the counter claim.

5. In view of the above, this review application is partly allowed by modifying the decree in the counter claim to the effect that the review applicant, namely, the fifth defendant is entitled to 1/4th share, instead of 19/96 share. Even though the decree in the counter claim is not the subject



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matter of appeal, the decree in the counter claim shall be in accordance with the decree that has been passed by this Court in the appeal. Hence this order is in accordance with the judgment. However, the decree dismissing the suit shall stand unaltered. No order as to costs.

Index : yes/no
Neutral citation : yes/no

(S.S.S.R.,J.) (P.B.B.,J.)
17.04.2024

ss

To

1. The II Additional District Judge
Chidambaram
2. The Collector
Cuddalore
3. The Tahsildar
Chidambaram



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S.S.SUNDAR,J.

AND

P.B.BALAJI,J.

SS

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