



Rev. Appl. No. 239 of 2024
against S.A.No. 629 of 2001

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2024

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Rev. Appl. No. 239 of 2024
against
S.A.No. 629 of 2001

P.R.Manjunatha Shetti,
S/o. Ramiah Chetty

... Petitioner

Versus

Varalakshmi (deceased)
rep. by Power Agent Durai Raja

2. Rajanna

3. S.R.Manjuraj

... Respondents

Prayer:- Review Application has been filed under Order 47 Rule 1 of C.P.C. r/w 114 of Civil Procedure Code, praying to review the judgment and decree dated 26.06.2015 passed by this Court in S.A.No.629 of 2001.

For Petitioner

: Mr.R.Narayanan



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ORDER

Today, when the matter came up for hearing, as the erstwhile counsel passed away, Mr. R.Narayanan, on filing change of vakalat appeared on behalf of review applicant.

2. Challenging the judgment and decree dated 26.06.2015 in S.A.No.629 of 2001 passed by this court, this Review Application was filed.

3. The learned counsel for review applicant sought to review the order passed by the learned Judge pronounced on 26.06.2015 on submitting the following grounds :-

- (1) Error apparent on the face of record ignoring vital evidence provided on the defendants side showing this continued possession and enjoyment of the suit property right from the date of sale in the 2nd defendant's favour on 21.12.1977.
- (2) The learned judge has failed to see that the suit itself was for recovery of possession of the suit property from the 2nd defendant.
- (3) The learned Judge has failed to see that the 2nd defendant's



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father Ramaiah Chetti had paid house tax for the suit property and the tax receipts were produced by Hansraj and Durairaj themselves.

(4) The Review Petitioner has come to know of a sale agreement executed by Krishna Sheth, dated 17.06.1977 which has not been produced by the plaintiffs, which would throw considerable doubts on the plaintiff's claim to title.

(5) The clinching evidence of D.W.1 son of Krishnashethi that his father had sold the suit property to the 2nd defendant.

(6) The learned judge ought to have held that under the Registration Act, the sale deed in favour of 2nd defendant was complete and vested prior to the sale deed in favour of plaintiff.

The above grounds raised by the Review Applicant to review the judgment and decree passed by this court is beyond the scope of review application and the same was filed after the lapse of 9 years. Now, he wanted to revisit the order. If at all, the Review Applicant having aggrieved with the findings



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of the learned judge, he is entitled to challenge the same before the appellate forum, but not by way of filing the Review Application that too after lapse of 9 years from the date of judgment and decree. Hence, I do not find any merit to review the judgment and decree dated 26.06.2015 passed by this Court. Accordingly, this Review Application is dismissed. No costs.

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T.V.THAMILSELVI, J.

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