



Rev.Aplw(MD).No.93 of 20234.

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.09.2024

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

REV.APLC(MD).No.93 of 2023

in

S.A.(MD).No.999 of 2011

and

C.M.P.(MD).No.16015 of 2023

Amirthammal

... Review Petitioner

/Vs./

1.Kilaviammal (Died)

2.Malairasu

3.Petchiammal

4.Vijaya

5.Murugesan

6.Mariammal

7.Raman

8.Nagarajan

...Respondents

(Cause title is accepted vide Court Order dated 04.11.2022 made in C.M.P.(MD).No.8329 of 2019 in Rev.Apl.C.(MD).SR.No.53230 of 2018)

PRAYER: Review Application is filed under Order 47 Rule 1 & 2 R/W under Section 114 C.P.C., to review the order passed in S.A.(MD).No. 999 of 2021, dated 06.02.017.



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For Review Petitioner : Mr.C.Sundaravadivel

JUDGMENT

This review application is filed by the appellant in the second appeal against the Judgment and Decree passed in S.A.(MD)No. 999 of 2021, dated 06.02.017, on the file of this Court.

2. The review applicant was the appellant in the second appeal, appellant in the appeal suit, defendant in the suit. The respondent herein was the respondent in the second appeal, respondent in the appeal suit and plaintiff in the suit. The contention of the review applicant is that both the parties have claimed adverse possession against each other. In the present second appeal, there is no finding regarding the issue of adverse possession which the appellant/defendant is claiming against the plaintiffs.

3. The plaintiff had purchased property to an extent of 5 cents through sale deed Ex.A3 from one Anandam Ammal. The defendant had purchased 5 cents of property on the western side of suit



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property from the same vendor Anandam Ammal through Ex.A8. The review applicant/defendant is claiming right over 11 cents of the property. According to the review applicant / defendant the 5 cents was purchased through Ex.A8 and the remaining 4 cents was purchased through oral sale deed. And further submitted that the review applicant/defendant is claiming right over the property on the principle of adverse possession.

4. The primary contention of the review applicant is based on oral sale deed they claim right over the property for 4 cents. This Court is of the considered opinion that any oral sale deed is inadmissible in the court of law and hence the said contention is rejected. The next contention is adverse possession. In the second appeal the said ground was raised and the Hon'ble Court had held that the review applicant / defendant had not produced any acceptable evidence to prove the same. In the review application also the review applicant/defendant had not produced any evidence to prove the plea of adverse possession. The plea of adverse possession can be entertained, if the party is able to prove through acceptable evidence that the party was in possession with the



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knowledge of the original owner for more than 12 years. The review applicant had not produced any such evidence. Therefore, to review application is liable to be dismissed.

5. Accordingly, this Review Application stands dismissed.

No Costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No

NCC : Yes / No

KSA



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S.SRIMATHY, J.

KSA

Order made in
REV.APLC(MD).No.93 of 2023
in
S.A.(MD).No.999 of 2011

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