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REVIEW APPLICATION NO.45 OF 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28/11/2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S.RAMESH

AND

THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

REVIEW APPLICATION NO.45 OF 2018

1.Mrs.Chitralkha
2.C.Vishnuprabhu
3.C.Sathyaprakash

All residing at
Coimbatore Palghat Transport Office,
Thomas Street, Uppukinar Lane,
Coimbatore.

... Petitioners/Appellants

Vs.

1.R.Ranganayaki
Door No.119, Old Market Road,
Fort, Coimbatore-1.

2.Vijayakumar
Door No.R-7, Kovaipudur,
Coimbatore.

3.R.Kalaivani
Door No.27/19, R.S.Puram,
Mahalingapuram Post, Pollachi-2.

... Respondents 1 to 3 /
Respondents 1 to 3



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PRAYER : Review Application filed under Order XLVII Rule 1 & 2 read with Section 114 of Code of Civil Procedure, 1908, praying to allow the Review Application by Review in Order dated April 05, 2017 in A.S.No.505 of 2013 on the file of this Hon'ble Court.

For Petitioners : Mr.M.Santhanaraman

For Respondent-1 : Mr.C.Veeraraghavan

ORDER

(Order of the Court was made by Hon'ble Mr.Justice M.S.Ramesh)

Mr.M.Santhanaraman, learned Counsel for the review petitioners submits that before passing of the Preliminary Decree, that is to say before determination of the shares of the parties, the respondents herein / plaintiff and defendants 1 & 5 alienated $\frac{3}{4}$ share in Suit Item No.1, without the consent of the review petitioners, thereby violating their pre-emptive right contemplated under Section 4 of the Partition Act, 1893 read with Section 44 of the Transfer of Property Act, 1882. Hence, the Review Application. He relies on the Judgment of Hon'ble Supreme Court in *H.Vasudeva Pai -vs- Kamarunnisa*, reported in (2011) 15 SCC 768.



2) We have considered the submissions of the learned Counsel for the Review Petitioners and perused the materials available on record. We do not find any mistake or error apparent on the face of record in the Judgment and Decree passed by this Court. The review petitioners have not made out any case for review.

3) *Vasudeva Pai's Case* [cited *supra*] relied on by the learned Counsel for the Review Petitioners, is not applicable to the facts and circumstances of the present case, since this Court passed only a Preliminary Decree, with liberty to implead the subsequent purchaser in respect of Suit Item No.(1) Property in the Final Decree Proceedings, whereas in that case, an application under Section 4 of the Partition Act, 1893 made during the Final Decree proceedings was justified by Hon'ble Supreme Court. In this case, there is absolutely no pleadings *qua* any pre-emptive right nor is there any plea under Section 4 of Partition Act, 1893. No issue was framed and no evidence was let in, in this regard. Hence, there is no need to review the Judgment & Decree dated April 05, 2017 passed by this Court in A.S.No.505 of 2013



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4) Resultantly, the Review Application is liable to dismissed.

Accordingly dismissed. In view of the facts and circumstances of this case, there shall be no order as to costs.

[M.S.R., J.] [R.S.V., J.]
28/11/2025

Index : Yes
Speaking Order : Yes
Neutral Citation : Yes
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