



Rev.Apl.C (MD) No.150 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR.JUSTICE P.B.BALAJI**

Rev.Apl.C (MD) No.150 of 2025

and

C.M.P.(MD) No.12549 of 2025

Mahmutha Beevi (Died)

1.P.Mohamed Anies

2.P.Mohamed Muthu Meeran

... Petitioners

-VS-

Mohamed Meeran (Died)

1.Ismail Meeran

Khader Mohaideen (Died)

2.Masoodu Avuliya

Mohammed Ismail (Died)

3.Kani

4.Rahamathulla

5.Sahul Hameed

6.Majeetha Begam

7.Ayisha Banu

Syed Usami (Died)

8.Syed Majeetha

9.Makuthal Beevi

Abdul Rahim (Died)

10.Khader Mydeen

Mohamed Syed Masood (Died)

11.Liyagath Ali

12.Mumtaj Begam

13.A.Fathima

14.Masood Beevi



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15.A.Rukkaia Beevi
16.S.Jameela Begam
17.Mariaym Khader
18.M.Sahul Hameed
19.Mohamed Hussain
20.Ahmed Maideen
21.Rasool Beevi
22.Mohamed Ismail Begam
23.Samsudden Makkey
24.Shegu Haseena
25.Mohammed Zarfudeen

... Respondents

PRAYER: Review Application filed under Section 114 read with Order XLVII, Rule 1(2) of the Code of Civil Procedure, against the judgment dated 01.12.2023 made in A.S.(MD) No.126 of 2018.

For Petitioner : Ms.S.Mamtha
for M/s.Ajmal Associates

For Respondents : Mr.T.Eswar
for M/s.Subash Law Office for R23

ORDER

[Order of the Court was made by S.M.SUBRAMANIAM, J.]

This review petition has been filed seeking to review the Judgment of this Court, dated 01.12.2023 made in A.S.(MD) No.126 of 2018.



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2. The appellants in the appeal suit are the review petitioners herein. The suit in O.S.No.54 of 2004, on the file of the IV Additional District Court, Tirunelveli, is for partition. The trial court as well as the first appellate court have elaborately considered the issues and determined the rights of the parties. The appeal suit was dismissed affirming the judgment and decree of the trial court.

3. The review petitioners, who are legal heirs of the deceased first defendant, have stated that the plaintiffs are not having any share in the schedule properties and therefore, the suit ought to have been dismissed in limine and the other grounds raised in this review petition are relating to merits of the matter, which cannot be re-adjudicated in a review proceedings. The scope of Order XLVII of the Code of Civil Procedure cannot be expanded for the purpose of re-adjudication of the merits of the matter, which were already adjudicated in the original suit as well as in the appeal suit. Thus, we are of the view that the review petitioners have not established any error apparent on the face of record warranting interference of this Court.

4. In the result, this review petition is dismissed. No costs.



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Consequently, connected miscellaneous petition is closed.

[S.M.S., J.]

[P.B.B., J.]

29.07.2025

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

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To:

- 1.The IV Additional District Judge,
Tirunelveli.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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