



WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

REV.APLC(MD)No.53 of 2020

in

C.M.A(MD)No.92 of 2020

and

C.M.P(MD)No.8458 of 2021

Palanisamy

... Petitioner/Appellant

.Vs.

Petchiammal

... Respondent/Respondent

PRAYER: Review Petition filed under Order 47 Rule 1 and 2 r/w Section 114 of Civil Procedure Code praying this Court to review the judgment and decree of this Court made in C.M.A(MD)No.92 of 2020, dated 2.3.2020.

For Petitioner

: Mr.Ananth C.Rajesh

ORDER

This Review Petition is filed to review the judgment and decree of



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this Court made in C.M.A(MD)No.92 of 2020, dated 2.3.2020.

2. Heard the learned counsel appearing for the Petitioner and perused the materials placed before this Court.

3. This Court, while disposing of the above CM.A(MD)No.92 of 2020, passed the order as hereunder:

“8. According to the appellant/plaintiff, the suit property is a vacant site and according to the respondent, it is a building who constructed the building is a matter on merits, however, on the date of filing of the suit as to whether the construction was existing in the suit property or not is the only question. Therefore, the appellate Court has rightly observed that the parties have not properly established the said fact. If they properly established the said fact and once the value of the property is fixed, then the jurisdiction of the Court can easily be fixed. In these circumstances, this Court finds no perversity in the judgment of the appellate Court and there is no reason to interfere with the judgment of the appellate Court. Therefore this Civil Miscellaneous Appeal is liable to be dismissed and accordingly, it is dismissed. As observed by the appellate Court, the trial Court is directed to give opportunity to both the parties to adduce oral and documentary evidence with regard to the value of the



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property and after that decide the jurisdiction of the Court. The appellate Court is directed to send all the papers to the trial Court forthwith and the trial Court is directed to complete the proceedings within a period of two months from the date of receipt of a copy of this order. No costs. Consequently, C.M.P(MD)No.1570 of 2020 is closed.”

3. When the matter is taken up for hearing today, it is submitted that the appellate Court had disposed of A.S.No.71 of 2015 pending on its file. In view of the same, nothing survives for further adjudication in this Review Petition.

4. Accordingly, the Review Petition is dismissed as infructuous. No costs. Consequently, connected Miscellaneous Petition is closed.

19.11.2025

NCS : Yes/No
Index : Yes / No
Internet : Yes / No

vsn



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P.VELMURUGAN, J.

vsn

ORDER MADE IN

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