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Review Application No.161 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2026

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Review Application No.161 of 2023

and

CMP.No.19273 of 2023

Mr.M.Chandran

... Review Petitioner

Vs.

Mr.P.Subramani

... Respondent

PRAYER : Civil Revision Petition filed under Order XLVII Rule 1 CPC read with Section 114 of the Code of Civil Procedure, praying to review its order dated 21.12.2022 passed in S.A.No.569 of 2019.

For Petitioner : Mr.M.Raja

For Respondent : Mr.V.Chandrakanthan

ORDER

This Review Application has been filed seeking to review the judgment and decree passed by this Court in S.A. No. 569 of 2019, dated 21.12.2022.



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2. The learned counsel for the review petitioner submitted that this Court has not considered the provisions of the Specific Relief Act, particularly Sections 31 and 34, while granting declaration of title and consequential reliefs. It is further contended that the plaintiff had admitted the alleged trespass by the defendant in respect of 'B' schedule property and therefore, the suit ought to have been one for recovery of possession along with declaration and not merely for injunction.

3. It is also contended that the relief of mandatory injunction granted by this Court is not sustainable in the absence of proper identification of the property, as the Advocate Commissioner and Surveyor had not correctly located the survey numbers. Further, according to the review petitioner, there is no evidence to establish that 'B' schedule property forms part of the plaintiff's property in Survey No. 63/3 and that the defendant's property lies in Survey No. 60/2, situated to the south of Survey No. 63/4.

4. This Court has carefully considered the submissions made by the learned counsel for the review petitioner and perused the materials available on record.



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6. The contentions now raised by the review petitioner were either specifically considered in the judgment or are in the nature of re-appreciation of evidence, which is not permissible in a review application.

7. It is well settled that the scope of review is limited and can be exercised only when there is an error apparent on the face of the record. In the present case, no such error has been pointed out by the review petitioner.

8. In such view of the matter, this Court finds no merit in the Review Application and the same is liable to be dismissed.



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T.V.THAMILSELVI, J.

9. Accordingly, this Review Application is dismissed. No costs.
Consequently, connected miscellaneous petition is closed.

10.04.2026

cda

To

The III Additional District Judge,
Coimbatore.

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