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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 29-10-2026

Delivered on : -11-2026

CORAM

THE HON'BLE MRS.JUSTICE THIRUMAGAL CHANDRASEKAR

REV.APLC(MD) No. 170 of 2018

CNR:{HCMD010890482018}

Lashumana Perumal
S/o Muthappa Gounder, Pothi Reddipatti Village,
Periakollapatti, Sattur Taluk, Virudhunagar Dist.

..Petitioner / Appellant

Vs

1. Alagumuthu Gounder (died)

2. Perumalakkal W/o.Alagumuthu Gounder, Pothi Reddipatti, Periakollapatti, Sattur Taluk, Virudhunagar Dist.

3. Vasuki
D/o Alagumuthu Gounder, Pothi Reddipatti, Periakollapatti, Sattur Taluk, Virudhunagar Dist.

4. Inspector General Of
Registarar, Register Office, 100, Santhome Byepass Road, Chennai.

5. Sub-registrar
Sub-registrar Office, Sattur.

6. Alagu Rathinam,
D/o Alagumuthu Gounder, Pothi Reddipatti, Periakollapatti, Sattur Taluk, Virudhunagar Dist.

7. Thangavu
D/o Alagumuthu Gounder, Pothi Reddipatti, Periakollapatti, Sattur Taluk, Virudhunagar Dist.

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8. Arunachalam
S/o Alagumuthu Gounder, Pothi Reddipatti,
Periakollapatti, Sattur Taluk, Virudhunagar Dist.

9. Venkatachalapathy
S/o Alagumuthu Gounder, Pothi Reddipatti,
Periakollapatti, Sattur Taluk, Virudhunagar Dist.

10. Yasothai
D/o Alagumuthu Gounder, Pothi Reddipatti,
Periakollapatti, Sattur Taluk, Virudhunagar Dist.

11. Revathi
D/o Alagumuthu Gounder, Pothi Reddipatti,
Periakollapatti, Sattur Taluk, Virudhunagar Dist.

..Respondents / Respondents

Prayer : Review Application has been filed under Section 114 r/w Order XLVII Rule 1 of the Code of Civil Procedure, seeking review of the judgment dated 12.07.2016 passed in S.A.(MD) No.810 of 2011, whereby this Court dismissed the Second Appeal at the stage of admission.

For Petitioner :Mr J.Gunaseelan Muthiah

For Respondents 3, 6 to 9 & 11:M.Thirunavukkarasu

ORDER

This Review Application has been filed to review of the judgment passed by this Court dated 12.07.2016 made in S.A.(MD) No.810 of 2011.

2. The learned counsel appearing for the review petitioner

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contended that this Court failed to consider the statutory provisions governing adoption, particularly the age restriction prescribed under the Hindu Adoptions and Maintenance Act, 1956. It was further contended that the substantial questions of law relating to limitation were not properly considered and that this Court failed to consider the residence of the third respondent / third defendant, the documents marked as Exs. A1 to A4, the voter list, the proceedings of the Taluk Office dated 06.03.2008, the police report and the judgments rendered in the earlier proceedings. On these grounds, the review petitioner seeks to set aside the judgment passed in the Second Appeal.

3. Per contra, the learned counsel appearing for the respondents / defendants submitted that the review petitioner has not made out any ground warranting review under Order XLVII Rule 1 CPC. He further contended that the issues relating to the validity of the adoption, the applicability of custom and usage, and the bar of limitation had already been considered by the Courts below and that this Court, upon consideration of the materials available on record, found that no substantial question of law arose for consideration and he also contended that the review jurisdiction cannot be exercised as an appellate jurisdiction and that a review petition cannot be permitted to be an appeal

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in disguise. In support of his contention he has relied upon the following Judgments:

1. The judgment of Delhi High Court made in ***Review Pet. No.254 of 2017 in RFA No.394 of 2017*** *in the case of* ***Amar Nath v. Jee Ram & Another,, and***

2. The judgment of Hon'ble Supreme Court reported in ***2013 Supreme Today (SC) 401*** *in the case of* ***Union of India v. Sandur Manganese & Iron Ores Ltd. & Others,,***

4. Heard Mr J.Gunaseelan Muthiah learned counsel appearing for the petitioner and Mr.M. Thirunavukkarasu, learned counsel appearing for the respondents 3, 6 to 9 & 11 and perused the materials available on record.

5. The scope of review under Section 114 read with Order XLVII Rule 1 CPC is limited. A review can be entertained only on the grounds recognised under the said provision, namely, discovery of new and important matter or evidence which, despite the exercise of due diligence, was not within the knowledge of the applicant or could not be produced at the time when the order was passed, mistake or error apparent on the

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face of the record, or any other sufficient reason.

6. In ***Amar Nath case***, the Delhi High Court observed that an error apparent on the face of the record must be self-evident and must not require a comprehensive examination, scrutiny or an elaborate process of reasoning. It was further observed that where the alleged error requires a long process of reasoning or debate, the same cannot be treated as an error apparent on the face of the record for the purpose of Order XLVII Rule 1 CPC. The Court also reiterated that review jurisdiction cannot be exercised to substitute one possible view for another or to permit a party to reargue the matter.

7. Further, in ***Union of India case***, the Hon'ble Supreme Court, after referring to the Judgment of the Hon'ble Supreme Court reported in **(1997) 8 SCC 715** in the case of ***Parsion Devi and Others v. Sumitri Devi and Others,*** reiterated that the power of review can be exercised for correction of a mistake and not for substituting a different view. The Hon'ble Supreme Court further emphasised that an error which is not self-evident and which requires detection through a process of reasoning cannot constitute an error apparent on the face of the record. A review

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petition cannot be permitted to become an appeal in disguise, and the scope of review must be confined strictly to the parameters prescribed under Order XLVII Rule 1 CPC.

8. Applying the above principles to the present case, it is seen that the principal contention of the review petitioner relates to the age of the third respondent / third defendant at the time of adoption. In this regard, Section 10(iv) of the Hindu Adoptions and Maintenance Act, 1956, provides that a person who has completed the age of fifteen years cannot ordinarily be taken in adoption, unless there is a custom or usage applicable to the parties which permits persons who have completed the age of fifteen years to be taken in adoption. In the present case, the judgment under review has specifically recorded that the third respondent / third defendant had raised a plea of custom and usage permitting adoption after the age of fifteen years and that the Trial Court had accepted the validity of the adoption on the basis of the prevailing custom and usage. Therefore, the mere contention that the third respondent / third defendant had crossed the age of fifteen years at the time of adoption would not, by itself, establish that the adoption was contrary to the statutory provision, in view of the exception contemplated under Section 10(iv) of the Act. The question as to whether such custom or usage was

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sufficiently pleaded and established is a matter which requires examination of the pleadings and evidence on record. In the present Review Application, the petitioner has not demonstrated any patent error apparent on the face of the record in the consideration of the said issue by this Court. A fresh examination of the applicability of the statutory provision and the alleged custom would necessarily involve reappreciation of the pleadings and evidence, which cannot ordinarily be undertaken in the exercise of review jurisdiction. Hence, the said contention does not constitute a ground for review under Order XLVII Rule 1 CPC.

9. Insofar as the contention relating to limitation is concerned, the judgment under review has specifically dealt with the said issue. This Court had taken note of the fact that the alleged adoption took place in the year 1998 and that the suit was instituted in the year 2003. The judgment also referred to the earlier proceedings in which the petitioner / plaintiff was a party and the right of the third respondent / third defendant had been recognised. The review petitioner / plaintiff has not pointed out any apparent error in the consideration of the question of limitation warranting interference in review jurisdiction.

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10. The other grounds raised by the review petitioner, namely, the alleged failure to consider the residence of the third respondent / defendant, Exs. A1 to A4, the voter list, the proceedings of the Taluk Office dated 06.03.2008, the police report and the judgments in the earlier proceedings, substantially seek a fresh appreciation of the evidence and reconsideration of the findings already rendered. The mere non-reference to each and every document or contention separately in the judgment would not, by itself, constitute an error apparent on the face of the record. The review petitioner / plaintiff has also not established the discovery of any new and important evidence which, despite due diligence, could not be produced at the time of hearing of the Second Appeal.

11. It is settled law that the review jurisdiction cannot be invoked merely because the review petitioner seeks a different interpretation of the facts or law or because another view is possible on the materials available on record. The petitioner cannot be permitted to reargue the Second Appeal under the guise of a review petition. This Court finds that the grounds raised in the present Review Application do not disclose any glaring omission, patent mistake or error apparent on the face of the record warranting exercise of the review jurisdiction.

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12. In view of the foregoing discussion and the settled principles laid down by the Hon'ble Supreme Court and the other High Courts, this Court is of the considered view that the review petitioner has not made out any ground contemplated under Order XLVII Rule 1 CPC for reviewing the judgment dated 12.07.2016 passed by this Court made in S.A.(MD) No.810 of 2011.

13. Accordingly, the Review Application is dismissed. No costs.

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

T. RAJAPRABA

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To

1. Inspector General Of Registrar, Register Office, 100, Santhome Byepass Road, Chennai.

2. Sub-registrar
Sub-registrar Office, Sattur.

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THIRUMAGAL CHANDRASEKAR, J.
T. RAJAPRABA

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