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In the Court of Additional District Munsif, Padmanabhapuram.

Present: **Selvi.V.Viswatha, B.A.,LL.B(Hons),LL.M.,**

Additional District Munsif.

Tuesday the 15th day of March 2022

I.A No.2 of 2020 in O.S No.160 of 2019

Alphonse.

.. Petitioner/Plaintiff ..

/ Vs. /

1. Therasammal.(died)
2. Lucas.
3. Franchis.
4. Mathiyas.
5. Christu Dhas.
6. Nirmala.

.. Respondents/Defendants ..

This petition is presented before me for final hearing, in presence of Mr.S.Muthukumaresh, learned counsel for the Petitioner and the respondents set exparte in the suit. Upon hearing the counsel and on perusal of the records stood over for consideration till this day, this court passed the following

ORDER

This petition is filed under Section 114 and 151 of Civil Procedure Code to review the I.A.1/2020.

2. Brief of petition facts is as follows:-

The petitioner/plaintiff states that the suit is filed seeking partition. It is stated that the respondents 1 to 4 and 6 has been served with summons and now they are conducting the suit through their advocate. It is stated that when the summons was sent to the 5th respondent/defendant. It is stated that the same has been returned

stating that the 5th respondent/defendant is not in India. It is stated that to serve the summons through the wife of 5th defendant I.A.No.1/2020 is filed. It is stated that on 19.03.2020 the petition has been dismissed. It is stated that the address of the 5th respondent/defendant is not known and so to review the order in I.A.No.2/2020 this petition is filed.

3. Respondent set exparte in the suit.

4. Heard the counsel and perused the records stood over for consideration.

5. Now the point for consideration is whether the petition is liable to be allowed or not?

6. The petitioner/plaintiff states that the suit is filed seeking the relief of partition. It is stated that the summons has been served to defendants 1 to 4 and 6 in the suit. It is stated that when summons was sent to the 5th defendant in the suit the same has been returned stating that the 5th defendant is not residing in India. Hence I.A.No.1/2020 is filed to serve summons to the 5th defendant through his wife. The petitioner states that I.A.No.1/2020 was dismissed on 19.03.2020 and to review the order this petition is filed. The counsel for the petitioner stated that the petitioner does not know the address of the 5th defendant and so to review the order in I.A.No.1/2020 this petition is filed.

7. On perusal of records, it is seen the scope of the review is very limited as the provision is applicable only with there is an error of arithmetic nature or any error apparent on face of record. Further, the petitioner herein has not stated the error apparent on face of record. The contention putforth by the petitioner does not fall

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within the frame of Section 114 of Civil Procedure Code. In the light of the discussion made supra, this court decides to dismiss this petition.

8. In the result, this petition is dismissed. No costs.

Dictated to the Steno-Typist directly, typed by her in computer, corrected and pronounced by me in open court, on this 15th day of March 2022.

Additional District Munsif,
Padmanabhapuram.

ADMC, Padmanabhapuram.

IA.No.02/2020 in OS.No.160/2019

Draft/Fair Order:

Dt: 15.03.2022.