

THE HONOURABLE SRI JUSTICE HARINATH.N
REVIEW IA.No.2 of 2025 in CRP.NO.5383 of 2017

ORDER:-

1. The review petition is filed seeking to review the order passed in CRPNo.5383 of 2017, whereby this Court set aside the sale and consequential orders of sale confirmation and delivery of possession of the property to the respondents in the CRP. This Court set aside the sale proceedings in EP schedule property and directed the Executing Court to conduct a fresh sale of the EP schedule property.
2. The learned counsel for the petitioner submits that this Court has not considered the provision of Order 21 Rule 89 of CPC and passed an erroneous order setting aside the sale proceedings dated 06.10.2004. It is submitted that the respondents ought to have deposited the decretal amount for seeking the relief of setting aside the sale proceedings.
3. The ground raised for review is that, the order passed by this Court has not referred to non-compliance of the mandatory requirement under Order 21 Rule 89 CPC by the respondents. It is also submitted that the suit schedule property was in one bit and could not be divided in parts for satisfying the decretal amount. The Court Amin had appropriately valued the property and the sale proceedings were completed in a transparent manner and the respondents did not take the required steps for settling the EP claim.

4. The Executing Court for satisfying the decretal amount followed the procedure of law and this Court has not considered any of the grounds raised by the petitioner while passing the orders dismissing the CRP.
5. The learned counsel for the respondents submits that the suit filed by the review petitioners vide OS.No.140 of 2001 was decreed for an amount of Rs.30,854/-. It is also submitted that the review petitioner has knocked off five acres of land with yielding potential and has been in possession and enjoyment of the same for the last 22 years. The review petitioner derived the yield on the property for all these years.
6. It is submitted that the order passed in the CRP does not require any review as this Court had found that there was no justification in permitting the sale of five acres of land for satisfying the money decree of Rs.30,854/-.
7. Heard the learned counsel for the petitioner and the learned counsel for respondents. Perused the material on record.
8. Scope of judicial review is limited and it is pertinent to refer the judgments passed by the Hon'ble Supreme Court in the matter of **Inder Singh Vs. The State of Madhya Pradesh**¹, **Malleeswari Vs. K.Suguna and another**². The Hon'ble Supreme Court held that the review application cannot be considered as appeal over the order of this Court and rehearing is impermissible.

¹ MANU/SC/0376/2025

² 2025 Supreme (SC) 1650

9. The only ground under which the review can be considered is when there is an error on the face of the order which is contrary to the record and deserves imminent correction. On the facts of this petition, the grounds raised by this Court while dismissing the CRP. There is no error which deserves a correction of the well considered order.
10. This Court finds no valid grounds for entertaining the review petition and accordingly the review petition is dismissed. No costs

Dated 02.12.2025
KGM

JUSTICE HARINATH.N

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