

(1926) 03 MAD CK 0097
In the Madras High Court

(Thommil Pudia Malikkal) Kathyumma	APPELLANT
Vs	
Thommil Pudia Malikkal Muhammad Kutty and Others	RESPONDENT

Date of Decision : 16-03-1926

Acts Referred:

Citation : AIR 1926 Mad 1083 : 97 Ind. Cas. 545 : (1926) 24 LW 447

Hon'ble Judges : Ramesam, J

Bench : Division Bench

Judgement

Ramesam, J.—I think the order of the District Judge is not sustainable. The District Munsif passed an order directing the review of the original judgment in the case on the ground that there was "an accidental slip" in the decree. A review petition on the ground of an accidental slip is entertainable before the successor of the Judge who disposed of the case (Order 47, Rule 2). Only if the ground is other than accidental slip or discovery of fresh evidence such petition cannot be entertained by a successor. Hence, in this case, the order of the District Munsif who purports to act on the ground of "accidental slip" does not contravene the provisions of Order 47, Rule 2 and, therefore, the District Judge cannot revise the order of the District Munsif on this ground: see *Meduru Brahmayya v. Vedula Yellamma* [1916] 4 L.W. 408. The correctness of the Munsif's conclusion that there was an accidental slip is not a point that can be considered by the appellate Court. The District Judge has acted without jurisdiction in allowing the appeal on this ground. Mr. Ranganadha Aiyar for the respondents points out that there are other grounds in his appeal memorandum, e.g., ground No. 5 which may be considered by the District Judge (Order 47, Rule 7, Clause (c)). The order of the District Judge is reversed and the case remanded for disposal in accordance with the above observations. The respondents will pay the costs in this Court. Other costs will abide the result.