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Judicial Restraint in Review Jurisdiction: Lessons from the Supreme Court's Ruling in Malleeswari v. K. Suguna(2025)**CS RAHUL SAHASRABUDDHE**

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Introduction

In India's crowded courts, disappointed litigants often file review petitions, hoping the same court will revisit its decision. While the Code of Civil Procedure permits review in limited situations, its purpose is narrow. A review is not meant to be a second hearing, nor a chance to reargue the case. It exists only to correct an obvious mistake or to consider new evidence that could not have been produced earlier despite diligence.

On 8 September 2025, the Supreme Court of India delivered an important ruling in *Malleeswari v. K. Suguna & Another*. By setting aside a review order of the Madras High Court, the Court clarified once again that review jurisdiction cannot be confused with appellate power. The judgment is not only significant for lawyers but also for ordinary citizens caught in long-drawn family disputes. It underlines a simple truth: justice must be fair, but it must also be final.

The Long Journey of a Family Dispute

The dispute in this case began almost twenty-five years ago. In 2000, Subramani, a son in the family, filed a suit for partition of ancestral properties in a trial court at Ponneri. In 2003, the court passed a preliminary decree dividing the property between Subramani and his father, Munusamy Naidu.

However, the decree did not include Malleeswari, the daughter of the family. Years later, she claimed her right under the Hindu Succession (Amendment) Act, 2005, which gave daughters equal rights as coparceners in joint family property. She argued that she was entitled to one-third of the property and also relied on a Will executed by her father, which gave her an additional share.

The trial court rejected her claim. It reasoned that the shares had already been determined in 2003, before the 2005 amendment, and that a preliminary decree could not be reopened after so many years. The matter then moved to the Madras High Court. In 2022, the High Court allowed her petition and recognized her claim. But in 2024, upon review, the same High Court changed its mind, set aside its earlier order, and sent the matter back for a fresh trial. This reversal led Malleeswari to approach the Supreme Court.

The Issue Before the Supreme Court

The central issue before the Supreme Court was not whether Malleeswari deserved a share. Instead, it was whether the High Court, while hearing the review petition, had overstepped its authority. Could a review court reopen facts, reconsider evidence, and reverse its earlier findings? Or should it have confined itself to correcting an error apparent on the face of the record?

The Court's Reasoning and Decision

The Supreme Court held that the High Court had exceeded its limited power of review. A review petition, it observed, is not another opportunity to argue the case afresh. It is a narrow remedy, meant only to correct glaring mistakes or consider genuinely new material.

In this case, the High Court, during review, had virtually sat in appeal over its own earlier order. It had revisited facts, considered new arguments, and altered its findings. That was not a permissible use of review jurisdiction. The Supreme Court therefore set aside the review order and restored the High Court's original 2022 decision in favour of Malleeswari.

Principles of Review Jurisdiction

The judgment restates settled principles that every practitioner and litigant should understand. Review is not the same as appeal. It cannot be used to correct what a party believes is a wrong interpretation of law or facts. That is the role of an appellate court.

The Court cited earlier cases such as *Meera Bhanja v. Nirmala Kumari Choudhury* and *Parsion Devi v. Sumitri Devi*, which warned that review is not an appeal in disguise. It recalled *Lily Thomas v. Union of India*, which explained that review can correct a mistake but cannot replace one opinion with another. It also referred to *Hari Vishnu Kamath v. Syed Ahmad Ishaque*, which held that an "error apparent on the face of the record" must be obvious, not something requiring elaborate reasoning.

Together, these precedents form a consistent principle: review is exceptional, and courts must resist the temptation to use it as a second chance to rewrite judgments.

Why the Judgment Matters

The importance of this ruling lies in its reaffirmation of judicial discipline. If review petitions are allowed to operate like appeals, litigation will never end. Every losing party will file a review, and finality will vanish. Courts would be trapped in cycles of reconsideration, and justice would be endlessly delayed.

The Supreme Court's decision sends a clear message: once a judgment is delivered, it should stand unless corrected by appeal. This is not simply a technical matter. The stability of the judicial system depends on the finality of decisions. Citizens must have confidence that judgments, once delivered, will not be reopened repeatedly.

The Human Dimension of Property Disputes

At the same time, the case highlights the human cost of prolonged family disputes. What began as a partition suit in 2000 continued for a quarter of a century, consuming the time of multiple courts. For the family, this meant decades of uncertainty, expense, and emotional strain.

The Hindu Succession (Amendment) Act, 2005 was meant to correct historical injustice by giving daughters equal rights. But in practice, many daughters face long litigation to secure those rights. Sales and settlements executed before the amendment often clash with claims made later. This case is a stark example of how legal reform, while progressive, can collide with the realities of ongoing disputes.

By directing the trial court to conclude pending applications within three months, the Supreme Court acknowledged the need to bring closure. Justice delayed in family matters does not just harm the parties' legal rights; it also strains relationships and sows bitterness across generations.

Lessons for the Future

The judgment carries lessons for everyone involved in litigation. For litigants, it highlights the importance of acting with promptness and choosing the right remedy. If a decree appears unjust, the correct course is to appeal within time, not to wait for years and attempt a review.

For lawyers, the decision is a reminder to guide clients honestly about the limits of review. Filing weak or speculative review petitions only leads to disappointment and wasted resources. It also adds to the already heavy burden of the courts. Lawyers must also take care to implead all necessary parties in suits for partition, especially after the 2005 amendment, to prevent such disputes from festering for decades.

For judges, the ruling reinforces the discipline required in exercising review powers. Compassion for a litigant cannot justify stretching review beyond its narrow scope. The distinction between review and appeal must remain clear, for the health of the judicial system depends on it.

Conclusion

The Supreme Court's ruling in *Malleeswari v. K. Suguna* is more than a technical clarification of civil procedure. It is a strong reaffirmation of the principle that justice must not only be fair but also final. By limiting review jurisdiction to its proper boundaries, the Court has protected the integrity of the legal system and sent a message that endless re-litigation will not be tolerated.

At the same time, the case is a sobering reminder of the toll that family property disputes can take. Twenty-five years of litigation cannot restore lost time or fractured relationships. The judgment, therefore, stands both as a guide for legal practice and as a plea for resolution and closure in family conflicts. In the end, the law must deliver justice not just in theory but in the lived experiences of people who turn to it for relief.

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