

Mathai Thomas

Vs

Ouseph Anna and Others

CA No. ... of 1996

(J. S. Verma, B. N. Kirpal JJ)

15.02.1996

ORDER

1. Leave granted.

2. The grievance of the appellant is that the High Court has interfered with a finding of fact in a revision under Section 103 of the Kerala Land Reforms Act, 1964 after the first two courts had upheld the appellant's "kudikidappu" rights. It is clear from Section 103 that the power of revision extends only to interference on the ground of failure to decide any question of law or erroneous decision thereof. There is thus no scope for interference with a finding of fact unless that gives rise to a question of law. In view of this position which appears to have been overlooked by the High Court, the impugned order of the High Court is set aside. The civil revision would now be decided afresh by the High Court after hearing both sides within the scope of interference permitted under Section 103 of the Kerala Land Reforms Act.

3. The appeal is disposed of in these terms. No costs.