1870. *May* 24. *S. A. No.* 446 *of* 1869.

Now with the exception adverted to in *IV, High Court Reports,* 309, the words are precisely the same in effect as those of Section 28 of the English Limitation Act, and certainly there is nothing in the decisions upon that section to justify our holding that the document must be self-contained, and that nothing extra the document can be looked at to determine the subject or object of the admission. *Stansfield* v. *Hobson,* (16, *Beav.,* 236 confirmed 3, *De. Mac.* and *Gordon,* 620) is a case in which the document itself was simply "Sir, I received yours of the 2nd instant. I do not "see the use of a meeting either here or at Manchester "unless some party is ready with the money to pay me off." In *Trulock* v. *Robey,* 12, *Sim.* 406, the Vice Chancellor of England says "It appears to me that the Court being in "possession of the circumstances of the case must construe "the letter in the way in which the writer intended it to "be construed by the person to whom it was addressed."

Now the document A clearly admits the holding on kanom under the devaswam of land belonging to that devaswam in the Nelliyeri desam. We can see no ground for saying that evidence was not admissible to apply this document to the land to which it was intended to refer, and the evidence used by the Munsif for that purpose, including the allegations of the defendant, was, in our opinion, properly so used.

We will ask the Civil Judge now to decide.

Whether the document A is genuine and applies to the land here claimed by plaintiffs?

Appellate Jurisdiction. (*a*)

Special Appeal No. 389 *of* 1869.

VENCAMA SHETTY and 2 others..... *Special Appellants.*

PAMOO SHETTY and 8 others.....*Special Respondents.*

A Court has no jurisdiction to grant a second review of judgment on the application of the same party under the Code of Civil Procedure.

1870. *May* 24. *S. A. No.* 389 *of* 1869.

THIS was a special appeal against the second decision of M. Parthasarathi Pillai, the Acting Principal Sadr Amin

(*a*) Present: Holloway and Innes, JJ.

1870. *May* 24. *S. A. No.* 389 *of* 1869. of Mangalore, in Regular Appeal No. 214 of 1861, confirming the decree of the Court of the District Munsif of Barkur, in Original Suit No. 570 of 1858.

This was a suit for redemption of certain land upon payment of the amount due upon the mortgage to the defendants. The District Munsif gave a decree for the plaintiff.

Upon appeal the Principal Sadr Amin reversed the decision and dismissed the suit, and upon an application for review of judgment confirmed his decree dismissing the suit.

Subsequently another Principal Sadr Amin granted a second review of judgment and gave a decree affirming that passed by the District Munsif.

The defendants appealed specially to the High Court upon the ground, among others, that the Principal Sadr Amin was not justified in granting a second review of judgment.

Sanjiva Row, for the special appellants, (the 2nd, 3rd and 4th defendants.)

Parthasarathi Iyengar, for the 2nd to 6th and 8th and 9th special respondents (the plaintiffs.)

The Court delivered the following judgments :—

MR. JUSTICE HOLLOWAY.—I am of opinion that the question of the right to grant second review of judgment on the application of the same party depends solely upon the construction of Chapter XI of the Civil Procedure Code.

That Code contains a description of the whole remedy to which parties are entitled. If this chapter were omitted from the Code, appeal would be the only remedy. To that remedy, this chapter adds another, a right of seeking *a* review. Now the plain meaning of *a* review is not two reviews or three reviews, but one review, and no additional remedy can be given beyond the express words contained in this chapter. There can therefore be no force in the argument that all orders are reviewable. That general provision can have no possible power to extend the special provisions. It being perfectly clear to me that neither appeal nor review can be pushed a single step beyond the special words creating it, and these words distinctly allowing one review and one only, I would reverse the second decree of the Principal Sadr Amin because passed without jurisdic-

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tion. I would however allow the defeated party a period of four months for putting in a special appeal against the only valid judgment, the judgment passed on review by the Principal Sadr Amin. The respondent must pay the costs of this appeal.

MR. JUSTICE INNES.—I have entertained considerable doubts upon this question. Of course, 'a' review means *one* review, but the section commences with the words "any "person considering himself aggrieved by *a* decree," &c., and it has been a question with me whether these words and what follows do not admit of application to the revised decree as they do to the first decree. On consideration I think they do not. The revised decree is the decree in its altered shape, and as there has been a review of it, I think the terms of the section admit of no further review. It is of course quite conceivable that where a portion of a claim has been disallowed, fresh evidence may soon after the decree be discovered in support of a part only of such disallowed portion, and a review may be granted for the reception of such evidence, and that subsequently to the passing of the revised decree evidence may be discovered which bears materially upon the remaining part of the disallowed portion. Under the view which we take, there could be no further review for the reception of that new evidence. But this need not work hardship as the Appellate Court can always receive an appeal after the prescribed time on substantial cause shown, and can also, on substantial cause shown, order the reception of additional evidence. I concur therefore in thinking that a second review is not admissible.

Appeal allowed.