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C.R.P. No.3098 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2026

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THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

C.R.P. No. 3098 of 2025

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C.M.P. No. 17349 of 2025

A. Namachivayam

..Petitioner

Vs.

1. Mrs. Saraswathi
2. Pachaiyappan
3. Sankari
4. Minor Ranjith
5. Minor Naveenkumar
(Respondents 4 and 5 rep. by their
mother, guardian and next friend
Sankari)
6. A. Mohammed Nabi
7. K. Srinivasan
8. ICICI Bank
rep. by its Authorised Officer,
Agri Business Group,



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4th Floor, 2/1, L.B. Road,
Adayar, Chennai – 600 020.

..Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair order dated 18.12.2024 passed in I.A.No. 1 of 2022 in O.S. No. 61 of 2021 by the learned District Munsif, Thiruvannamalai.

For Petitioner :: Mr.V. Sundarraman

For Respondents :: No appearance for R1 to R5
Mr.D. Baskar for R6
Mr.S. Seralathan for R7
Mr.S. Krishnan for
M/s. Acuity Law Associates for R8

ORDER

This civil revision petition has been filed challenging the impugned order dated 18.12.2024 passed in I.A. No.1 of 2022 in O.S. No. 61 of 2021 by the learned Principal District Munsif, Tiruvannamalai.

2. By the aforesaid order, the application filed by the petitioner, who is the plaintiff in the suit, seeking permission to deposit the amount of Rs.15,90,786/- to settle the claim of the 8th respondent Bank has been dismissed. While dismissing the application, the Trial Court has given the following reasons:



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- (i) The petitioner has taken inconsistent stands;
- (ii) The suit has been filed based on a Will dated 04.10.1995 through which the petitioner claims right over the suit schedule property;
- (iii) The petitioner has now taken a different stand that he is ready and willing to settle the amount due to the 8th respondent, which was borrowed by the wife of one Karthikeyan, who is the brother of the petitioner.

3. The learned counsel for the petitioner fairly admits that the property had already been sold through proceedings initiated under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (' the SARFAESI Act' in short) in favour of the 6th respondent and thereafter, the 6th respondent had sold the property to the 7th respondent.

4. The petitioner had filed O.S. No. 61 of 2021 before the Principal District Munsif Court, Tiruvannamalai, seeking for a declaration to declare that the sale deeds standing in the name of 6th respondent and 7th respondent are null and void. The suit property was mortgaged by the petitioner's brother's wife Sankari/3rd respondent herein with the 8th respondent Bank for the purpose of availing a loan in the year 2006 itself.



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The 3rd respondent's husband, by name, Karthikeyan, who is the brother of the petitioner, died prior to the mortgage. Sankari, the 3rd respondent herein defaulted in repayment of the loan amount due to the 8th respondent Bank, which resulted in the 8th respondent bringing the property for sale under SARFAESI proceedings. The 6th respondent was the successful auction purchaser, who paid the entire sale consideration and also obtained the sale certificate in his name. Thereafter, the 6th respondent sold the property to the 7th respondent under sale deed dated 15.10.2015. The sale deeds standing in the name of the 6th and 7th respondents in respect of the suit schedule property have also not been disputed by the petitioner/plaintiff. However, according to the petitioner, he came to know about the same only just prior to the institution of the suit in the year 2021.

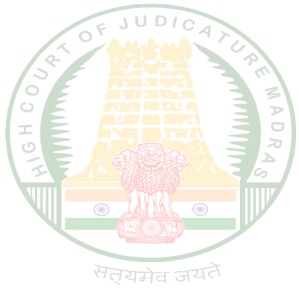
5. Pending the suit, the petitioner had filed I.A. No. 1 of 2022 seeking permission to deposit the sum of Rs.15,90,786/- before the Trial Court for the purpose of securing the claim of the 8th respondent Bank. A specific averment has been made by the petitioner in the said I.A. that he has already taken steps to approach the Debts Recovery Tribunal questioning the sale of the property by way of SARFAESI proceedings to the 6th respondent.



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Having failed to challenge the SARFAESI proceedings at the earliest point of time either before the Debts Recovery Tribunal or by filing a civil suit, even if the petitioner is able to establish that fraud had been played upon him, the question of interference by this Court through this civil revision petition at this belated stage does not arise. Even though the reasons given for dismissing the petitioner's application seeking permission to deposit the amount due to the 8th respondent Bank may not be correct, in view of the surrounding circumstances of the case, which had resulted in the ownership of the property changing hands from the successful auction purchaser to a third party, namely, the 7th respondent herein, the interference by this Court at this belated stage does not arise as it will amount to travesty of justice. The petitioner has also not adhered to the undertaking given by him in the affidavit filed in support of I.A. No. 1 of 2022 that he will be approaching the Debts Recovery Tribunal for the redressal of his grievance with regard to the sale of the property in which the petitioner claims that he also has a share in it by virtue of a Will. If the petitioner was really interested in the property and if he has a bona fide interest, he should have challenged the SARFAESI proceedings before the Debts Recovery Tribunal



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and should have initiated appropriate legal proceedings to stall the sale. Having failed to do so, the question of entertaining the civil revision petition, at this belated stage, that too, when the 6th respondent had purchased the property as early as in the year 2011 itself, does not arise.

6. For the foregoing reasons, this Court does not find any merit in the civil revision petition and the same is dismissed. No costs. Connected C.M.P is closed.

7. However, it is made clear that the aforesaid observations made by this Court are only *prima facie* observations for the purpose of deciding this civil revision petition. The Trial Court shall decide the main suit uninfluenced by any of the observations made by this Court in this order.

20.07.2026

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To
The Principal District Munsif Court,
Tiruvannamalai.

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