



C.R.P.(MD)No.1705 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.07.2026

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THE HON'BLE MR. JUSTICE S.SOUNTHAR

C.R.P.(MD)No.1705 of 2026

Sivaraman

.. Petitioner

Vs.

Kingsley Christoper Francis

.. Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decretal order dated 05.03.2026 passed in I.A.No.3 of 2025 in O.S.No.233 of 2024 on the file of the III Additional District Court, Tirunelveli.

For Petitioner : Mr.J.Avinash Dhandapani

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ORDER

The Civil Revision Petition has been filed challenging the order passed by the trial Court dismissing the application filed by the petitioner seeking a direction to the respondent/defendant to deposit a sum of Rs.1,60,000/- per month, being the petitioner's alleged share of the rent collected from the suit property.



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2.The petitioner has filed the suit seeking specific performance of the Development Agreement dated 25.07.2012. The petitioner has prayed for a direction to the respondent/defendant to execute sale deeds in respect of the petitioner's 50% share in the suit property, comprising eight apartments together with the common areas. In the alternative, the petitioner has sought a direction to the respondent/defendant to pay a sum of Rs.2,00,00,000/- towards the construction cost, together with interest at the rate of 12% per annum. The petitioner has also sought a direction to the respondent/defendant to refund the security deposit of Rs. 16,00,000/- paid by him, together with interest.

3. It is the case of the petitioner that he entered into a Development Agreement with the respondent for the construction of sixteen apartments in the suit property. As per the terms of the agreement, the petitioner was entitled to eight apartments and the remaining eight apartments were to fall to the share of the respondent. According to the petitioner, although he completed the construction, the respondent failed to execute the sale deeds in respect of the petitioner's 50% share, including the eight apartments. Hence, the present suit has been filed.



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4. A perusal of the plaint would indicate that the petitioner has not sought any relief for recovery of profits or mesne profits. The reliefs sought in the suit are confined to execution of the sale deeds and delivery of possession of the petitioner's eight apartments, with an alternative prayer for recovery of the construction cost and refund of the security deposit with interest. There is no prayer seeking recovery of the rental income or profits from the respondent.

5.The present application, wherein the petitioner seeks a direction to the respondent to deposit Rs.1,60,000/- per month, being his alleged share of the rental income collected from the suit property, is therefore untenable. Even assuming that the suit is decreed in its entirety, the petitioner would not be entitled to recover any share of the rental income in the absence of an appropriate prayer in the suit. Consequently, the contention that the suit property has been let out to third parties by the respondent and that the petitioner's share of the rent should be deposited before the Court cannot be accepted.

6. The relief sought in I.A. No.3 of 2025 travels beyond the scope of the prayers sought in the suit and is, therefore, not maintainable. The interlocutory application cannot enlarge the scope of the main suit.



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7. In view of the above, this Court is of the considered opinion that the relief sought by the petitioner in I.A. No.3 of 2025 is beyond the scope of the suit. Though for reasons different from those assigned by the trial Court, this Court concurs with the ultimate conclusion reached by the trial Court. Therefore, there is no reason to interfere with the impugned order.

8. Accordingly, the Civil Revision Petition stands dismissed. No costs.

02.07.2026

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
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To

1.The III Additional District Court, Tirunelveli.

2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SOUNTHAR, J.

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