

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.05.2016

Coram

The Hon'ble Mr. Justice **M.V.MURALIDARAN**

C.R.P.(NPD) No.1547 of 2016

K.M.Jailabuddin .. Petitioner

Vs

M.Subramani .. Respondent

Civil Revision Petition filed under Article 227 of The Constitution of India to set aside the order dated 15.12.2015 in E.P.S.R.No.4007/2015 in O.S.No.147/2009 on the file of District Munsif Court, Tiruttani.

For Petitioner .. Mr.M.Prabakaran

ORDER

Aggrieved by the order dated 15.12.2015 passed by the learned District Munsif, Tiruttani in E.P.S.R.No.4007/2015, the plaintiff has filed the present Civil Revision Petition.

2.The brief facts of the case are that the defendant approached the plaintiff for sale of the property and an agreement to that effect was also entered into between them. Pursuant to the same, the

defendant received a sum of Rs.65,000/- as advance from the plaintiff with a condition that the plaintiff should pay the balance amount within two years i.e. on or before 16.08.2009. Though the plaintiff is ready and willing to pay the balance amount, the defendant refused to receive the same. Hence the plaintiff caused a legal notice dated 24.06.2009, to which, there was no response. Therefore, the plaintiff filed a suit for specific performance of sale agreement in O.S.No.147 of 2009 on the file of District Munsif, Tiruttani. By judgment and decree dated 13.04.2010, the defendant was directed to execute the registered sale deed in favour of the plaintiff within a period of six months from the date of decree, in the alternative, directed the defendant to pay a sum of Rs.65,000/- together with interest and costs to the plaintiff. For execution of the said decree, the plaintiff filed an execution petition in E.P.No.18 of 2012 and the same was terminated on 17.06.2015. Aggrieved by the same, the plaintiff again filed another execution petition and the said unnumbered execution petition was also dismissed as not maintainable. Hence the present Civil Revision Petition.

3.Heard the learned counsel for the petitioner and perused the materials available on record.

4.On going through the documents, this Court is of the view

that this is a fit case to direct the trial court to number the unnumbered execution petition and decide the same on merits. Accordingly, I direct the learned District Munsif, Tiruttani, to number the unnumbered execution petition in E.P.S.R.No.4007/2015 in O.S.No.147/2009 and dispose of the same on merits and in accordance with law, as expeditiously as possible.

5.With the above direction, the Civil Revision Petition stands disposed of. No costs.

26.05.2016

Index:Yes/No
mmi

To

The District Munsif,
Tiruttani.

M.V.MURALIDARAN, J.

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