

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

C.R.P.(PD) No.1967 of 2016
and
CMP.No.10342 of 2016

D.Ganesan

... Petitioner

Vs.

1.Dhanraj N.Kochar

2.Suresh Kumar D.Kochar

3.T.Baskaran

... Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 11.03.2016 made in I.A.No.1707 of 2014 in O.S.No.9168 of 2011 on the file of the learned IV Additional Judge, City Civil Court, Chennai.

For Petitioner : Mr.N.Mariappan

ORDER

Challenging the order of learned IV Additional Judge, City Civil Court, Chennai, passed in I.A.No.1707 of 2014 in O.S.No.9168 of

2011 on 11.03.2016, the present revision has been filed.

2.Heard learned counsel for petitioner.

3.Petitioner is the plaintiff in O.S. No.9168 of 2011. The ex-parte decree was passed in the suit on 21.08.2012. Thereupon, sale deed dated 29.08.2013 was executed in favour of the petitioner. Thereafter, respondents/defendants 1 and 2 filed I.A.No.2741 of 2014, to set aside the exparte decree dated 21.08.2012. Learned IV Additional Judge, City Civil Court, Chennai, set aside the said ex-parte decree on 16.09.2014.

4.The defendants/respondents 1 and 2 has filed an Interlocutory application in I.A.No.1707 of 2014 to cancel the sale deed dated 29.08.2013, executed by the learned IX Assistant City Civil Judge, Chennai in favour of the petitioner/plaintiff. Such application was allowed. In allowing such application, the Court below has reasoned that once the exparte decree is set aside, the sale deed executed based upon the same, would

automatically have to be set aside. This Court finds no reason to interfere with the order under challenge.

5.The Civil Revision Petition is dismissed. No costs.
Consequently, connected Civil Miscellaneous Petition is closed.

30.06.2016

Index:Yes/No
Internet:Yes

DP

C.T.SELVAM.J,

DP

To

The IV Additional Judge,
City Civil Court, Chennai.

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