

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **23.11.2016**

CORAM:

THE HONOURABLE MR.**JUSTICE K.K.SASIDHARAN**

C.R.P.(P.D.) No.3660 of 2016 and
CMP.No.18635 of 2016

Varadaraj

...Petitioner

versus

1.C.Mahalakshmi
2.A.P.Anburaj
3.C.Siva Kumar
4.The Sub-Registrar,
Mylapore Sub-Registrar Office,
No.100, Santhome High Road,
Chennai - 600 004.

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the order and decretal order made in I.A.No.10904 of 2015 in O.S.No.6278 of 2014 dated 22.01.2016 on the file of XIV Assistant City Civil Court at Chennai.

For Petitioner : Mr.G.Thangavelu for
Mr.V.Pauldas

ORDER

The first respondent filed a suit before the learned XIV Assistant Judge, City Civil Court, Chennai to declare the Sale Deed, dated 20.03.2014 as null and void and for consequential relief.

2. The petitioner, who purchased the property from the Power Agent of the first respondent filed an application in I.A.No.10904 of 2015 to reject the plaint invoking Order VII Rule 11 of the Code of Civil Procedure. The petitioner took up a contention before the Trial Court that the property was sold to him for a sum of Rs.38 lakhs and as such, the suit is not maintainable before the City Civil Court.

3. The application was opposed by the first respondent.

4. The learned Trial Judge dismissed the application with an observation that the Sale Deed in question was executed by the second respondent, notwithstanding the revocation of Power of Attorney. The learned Judge was of the view that it is essentially a matter of trial and the plaint cannot be rejected only on this ground. The said order is under challenge in this Civil Revision Petition.

5. The first respondent laid the suit with a consistent case that notwithstanding the revocation of Power of Attorney earlier granted in favour of the second respondent, he sold the property to the petitioner herein. The first respondent is not concerned about the valuation shown in the document executed by the second respondent in favour of the

petitioner. According to the first respondent, the very sale executed in favour of the petitioner is invalid on account of the revocation of the Power of Attorney. There is no question of directing the first respondent to pay Court Fee on the amount shown in the Sale Deed executed by the second respondent in favour of the petitioner, in view of the contention taken by the first respondent that the sale was made after the revocation of Power of Attorney. This aspect was considered by the learned Trial Judge and the interlocutory application was rightly dismissed. I do not find any error or illegality in the order warranting interference by exercising the revisional jurisdiction under Article 227 of the Constitution of India.

6. In the up shot, I dismiss the Civil Revision Petition. No costs. Consequently, connected miscellaneous petition is closed.

23.11.2016

Index : Yes/No
svki

To

The XIV Assistant Judge,
City Civil Court, Chennai

K.K.SASIDHARAN, J.
(svki)

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