

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2017

CORAM :

THE HONOURABLE MR.S.M.SUBRAMANIAM

C.R.P(PD).No.609 of 2014

1. Thirugnanamurugan
2. A.S.Muthukumaran
3. Sivagnanamurugan
4. Amudha Ganesan

.. Petitioners

Vs.

Senthamaraikannan

.. Respondent

Prayer:- Civil Revision Petition is filed under Article 227 Constitution of India to set aside the fair and decreetal order dated 31.10.2013 made in I.A.No.74 of 2013 in O.S.No.82 of 2011 on the file of learned Principal District Judge, Cuddalore

For Petitioners : Mr.D.Baskar
For Respondent : Mr.R.Sunilkumar

ORDER

The present Civil Revision Petition is filed challenging the fair and decreetal order passed in I.A.No.74 of 2014 in O.S.No.82 of 2011 dated 31.10.2013.

2. The suit is for specific performance and the respondent is the plaintiff in the suit. The petitioners are the defendants 5 to 8, who purchased the suit property from the defendants 1 to 4. The petitioners / defendants 5 to 8 filed an Interlocutory Application during the pendency of the suit with a prayer to eschew Ex.A.1 – Sale Agreement. The said application was dismissed by the trial court on 31.10.2013 and the same is under challenge in the present Revision Petition.

3. The learned counsel for the petitioners fairly submits that the trial has already commenced and in progress.

4. On a reading of the findings of the trial court, it is clear that the document, Ex.A.1 is necessary to precede the case, since it is a suit for specific performance. Accordingly, if the Ex.A.1 is eschewed after marking, the same will be against the interest of all the parties to the suit.

5. It is pertinent to note that Ex.A.1 is the sale agreement and the suit is for specific performance. Therefore, the sale agreement will be a vital document to adjudicate the matter effectively. By marking the sale agreement, the rights of the parties will not be prejudiced and the

contesting parties may raise their respective grounds with regard to the said document. Further, in the event of eschewing the same, the rights of the parties will be affected and in fact, the trial has already been commenced. Hence the findings of the trial court for dismissing the petition filed by the petitioners is in accordance with law and there is no error apparent. Hence this Court is not inclined to consider the grounds of Revision raised by the petitioner and accordingly, this Civil Revision Petition is dismissed. No costs.

22.02.2017

ssd

To

The Principal District Judge,
Cuddalore

S.M.SUBRAMANIAM,J.,

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