

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2019

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

C.M.A.No.1577 of 2016

Naveetha

.. Appellant

Vs

Mohamed Nahub Basha

.. Respondent

Prayer : Civil Miscellaneous Appeal is filed under Section 47 of Guardians and Wardship Act, 1959, against the judgment and decree passed in GWOP No.15/2014 on the file of the Principal District Court, Krishnagiri, dated 02.02.2015.

For Appellant : Mr.T.M.Hariharan

For Respondent : Mr.Jaseem Mohamed

JUDGMENT

Learned counsel for the appellant submitted that out of 6.14 acres of land, the appellant's husband was allotted 3.07 acres of land on oral partition and the remaining land was allotted to his brother/respondent herein. Whiles, her husband died on 06.03.2007 leaving behind his wife / appellant herein and his

minor son. Subsequent to the death, the appellant herein and minor son sold 3.7 acres of land to one Syed Baba Jan on 14.06.2010, and out of which, the said purchaser sold 1.47 acres of land to one Sumera Begum on 28.02.2012. Again, on the same date, the said purchaser the sold the balance 1.62 acres of land to one Shahinsha. It is further submitted that since the property covered under the sale deed dated 28.02.2012 belongs to a Minor.Mohammed Shuaib Pasha, the mother and the said minor son entered into an agreement on 23.10.2013 with one Mrs.Sumera Begum. It is further submitted that now the said agreement dated 23.10.2013 itself has been cancelled by the agreement holder, therefore, nothing survives for further adjudication as the prayer sought for by the appellant to set aside the order passed by the Court below refusing to grant permission to sell 50% of the minor's share has become infructuous.

2. Learned counsel for the respondent submitted that when the matter was listed before this Court on 03.08.2016, an attempt was made to knock away the property in question by joining hands with one Mr.J.A.Prabakaran, who entered appearance for the respondent. It is further submitted that they have also filed a compliant against the said Advocate before the Bar Council to take action against him and now, the said matter is seized of by the Bar Council.

3. Be that as it may, since the agreement dated 23.10.2013 itself has been cancelled by the agreement holder, this Court is not inclined to delve into all the issues raised above by the learned counsel appearing on either side. Therefore, on this count, the Civil Miscellaneous Appeal is dismissed as infructuous.

4. Learned counsel for the respondent sought for a direction to dispose of the pending suit in O.S.No.93 of 2008 on the file of the learned District Munsif Court, Hosur. As the suit is of the year 2008, the learned District Munsif Court, Hosur, is directed to dispose of the said suit on merits and in accordance with law within a period of six months from the date of receipt of a copy of this judgment. No Costs.

15.07.2019

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Issue order copy on 17.07.2019

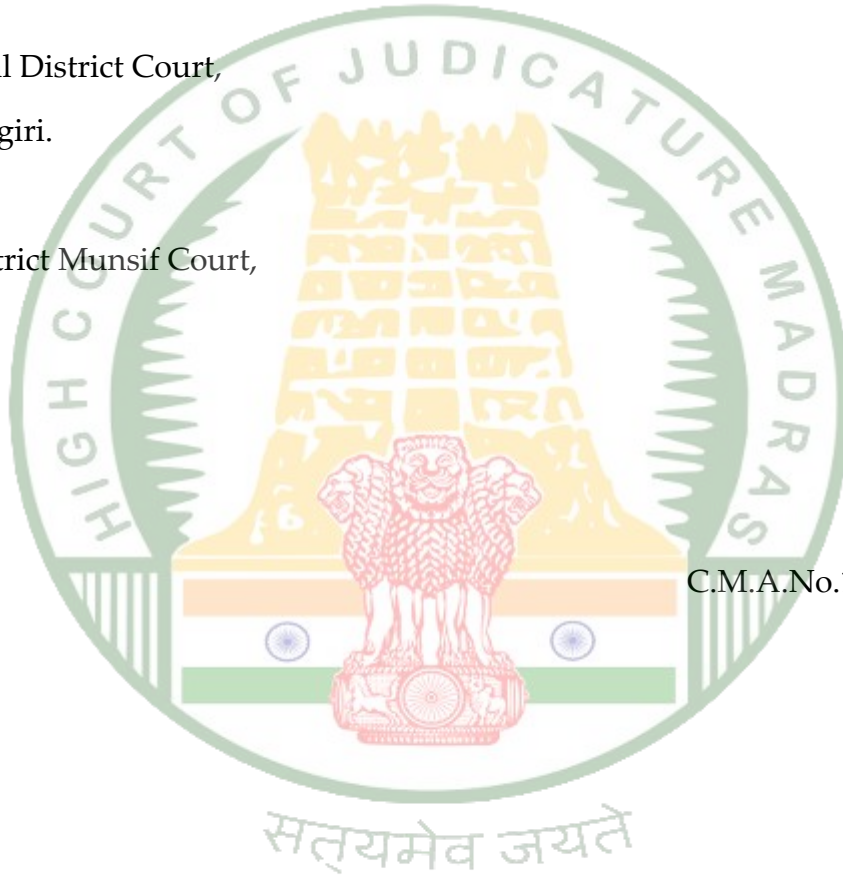
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T.RAJA, J.
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To

1.Principal District Court,
Krishnagiri.

2.The District Munsif Court,
Hosur.



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