

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

C.R.P.(PD).No.1866 of 2019

1.Prema
2.Velusamy

...Petitioners

Vs

1.Kathirvel Pillai
2.Seethalatchumi @ Seethammal @ Seetha
3.The Union of India,
Rep by Union Territory of Puducherry,
Through Chief Secretary,
Chief Secretariat,
Puducherry

4.The District Registrar,
Registration Department,
Saram,
Puducherry
5.The Sub-Registrar,
Oulgaret Sub-Registration,

Reddiarpalayam

Puducherry.

...Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Indian Constitution of India to set aside the Fair and decreetal order dated 07.02.2019 passed in I.A.No.18 of 2019 in O.S.No.940 of 2011 on the file of the II Additional District Munsif Court, Puducherry.

For Petitioner : Mr.M.Senthil Kumar

ORDER

This Civil Revision Petition has been filed to set aside the order dated 07.02.2019 in I.A.No.18 of 2018 in O.S.No. 940 of 2011 on the file of the II Additional District Munsif Court, Puducherry.

सत्यमेव जयते

2.The Revision petitioners are the defendants 1 & 2 in O.S.No.940 of 2011 and seeking for the relief of declaration of sale deed dated 24.03.2010 in favour of the 3rd defendant.

3. Pending suit, the petitioners herein has preferred the application in I.A.No.18 of 2018 filed seeking to declare that the sale deed dated 24.03.2010 which had been executed by the 3rd defendant in favour of the 1st defendant pertaining to the suit property is null and void.

4. After hearing both sides, the trial judge dismissed the petition on the ground that the plaintiff is not at all ready to negotiate with the respondent and this Court cannot compel the other party to go for amicable settlement when they are strong enough in their stand.

5. Thereafter against the order of the trial Court passed in I.A.No.18 of 18 in O.S.No.940 of 2011 dated 07.02.2019, the petition is filed before this Court with the present prayer.

6. The learned counsel for the revision petitioner submitted that the revision petitioners are the defendants. The suit was filed by the plaintiff for the relief of declaration of the sale deed dated 24.03.2010 executed by the 3rd defendant in favour of the 1st defendant with regard to plaint

scheduled property is null and void. Besides the prayer of permanent injunction the defendant filed the petition in I.A.No.18 of 2018 to refer the matter to Lok Adalat for settlement. The respondent/plaintiff refused to go to Lok Adhalat for settlement under Section 89 CPC as the sale deed was fraudulently created by the defendant. The trial Court accepting the contention of the plaintiff dismissed the petition. Aggrieved by this order, the defendants filed this petition and pleaded to allow the petition and let the parties to settle the matter at Lok Adhalat.

7.No representation on behalf of the respondent side.

8.Heard the learned counsel for the petitioners and perused the materials available on record.

9.The plaintiff/Kathirvelpillai filed the suit against the defendant with a prayer to declare the sale deed dated 24.03.2010 executed by 3rd defendant in favour of the 1st defendant with regard to plaint scheduled properties as null and void and with a prayer for permanent injunction

against the defendant. Pending suit, the revision petitioner/defendant filed this petition in I.A.No.18 of 2018 requested Court to refer Lok Adhalat for amicable settlement between the parties under Section 89 of CPC. Before the trial Court, the plaintiff filed counter and contended that the defendant created the sale deed in respect of the suit property fraudulently. Therefore, there is no possibility of settlement and not willing to refer to Lok Adhalat. Accepting the contention, the trial Court dismissed the petition. As per Section 89 CPC the settlement of disputes outside Court through lokadhalat is permissible only there exist elements of settlement and acceptable to both parties. In this case, the plaintiff never accepted the settlement and alleged that the sale deed was fraudulently created by the defendant. Under these circumstances referring the matter to Lok Adhalat for settlement is not feasible. Therefore, the trial Court rightly dismissed the petition I find no error in the order of the trial Court and dismiss the revision petition.

10. Accordingly, this Civil Revision Petition stands dismissed. No

Costs.

11.12.2020

Index: Yes/No

vsn

5/7

V.SIVAGNANAM.J,

vsn

To

- 1.The Chief Secretary, Union of India,
Union Territory of Puducherry,
Chief Secretariat,
Puducherry.
- 2.The District Registrar,
Registration Department,
Saram,
Puducherry.
- 3.The Sub-Registrar,
Oulgaret Sub-Registration,
Reddiarpalayam,
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