

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2021

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRP.NPD.No.4222 of 2014

and

MP.No.1 of 2014

Duraisamy

..Petitioner

Vs.

- 1.M.Muthusamy
- 2.Kunjammal
- 3.Kaliammal
- 4.Raja
- 5.Kumaresan
- 6.Senthil Kumar
- 7.Kolandhan(died)
- 8.Raman
- 9.Abimannan
- 10.Duraisamy
- 11.Kannusamy
- 12.Rajammal
- 13.Murugesan
- 14.Thangavel

(R12 to 14 brought on record as legal representatives of the 7th respondent vide court order dated 02.03.2021 in CMP.Nos.14038, 14040 & 14043 of 2020 in CRP.No.4222 of 2014)

..Respondents

PRAYER:

The Civil Revision Petition is filed under Section 115 of CPC

against the order of the District Munsif Court, Athur in REA.No.239 of 2006 in REP.No.52 of 2001 in OS.No.91 of 1996 dated 14.11.2007.

For Petitioner : Mr.A.L.Ganthimathi

For Respondents

For R1 to 6, 8to14: not ready in notice

For R11 : Mr.E.Kannadasan

R7 : died (steps taken)

ORDER

This civil revision petition is arising out of the order of the District Munsif Court, Athur in REA.No.239 of 2006 in REP.No.52 of 2001 in OS.No.91 of 1996 dated 14.11.2007 thereby allowing the petition and ordered for delivery of possession.

2. The first respondent filed suit for specific performance. According to the petitioner, he is the absolute owner of the suit property and he purchased the same by the registered sale deed dated 25.07.1996 from the respondents 8 to 11 for valid sale consideration. He had no knowledge about the present suit filed by the respondents 1 to 7 herein for specific performance on the strength of the agreement for sale. In fact, he was not served with any summon in the suit or in the execution proceedings. The court below dismissed the said petition stating that he was served notice

and already delivery of possession was ordered. Therefore, this Court finds no irregularity or infirmity in the order passed by the court below.

3. Accordingly, the civil revision petition is dismissed. Consequently, connected miscellaneous petition is closed. No order as to costs.

02.03.2021

(2/2)

Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

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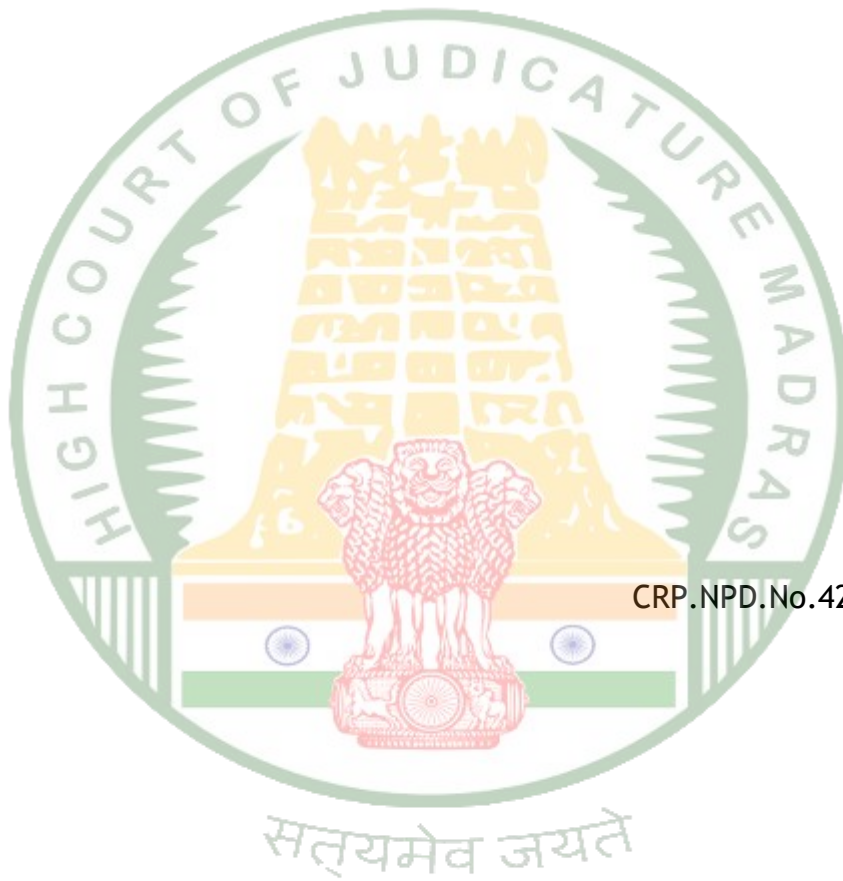
The District Munsif,
Athur



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G.K.ILANTHIRAIYAN,J.

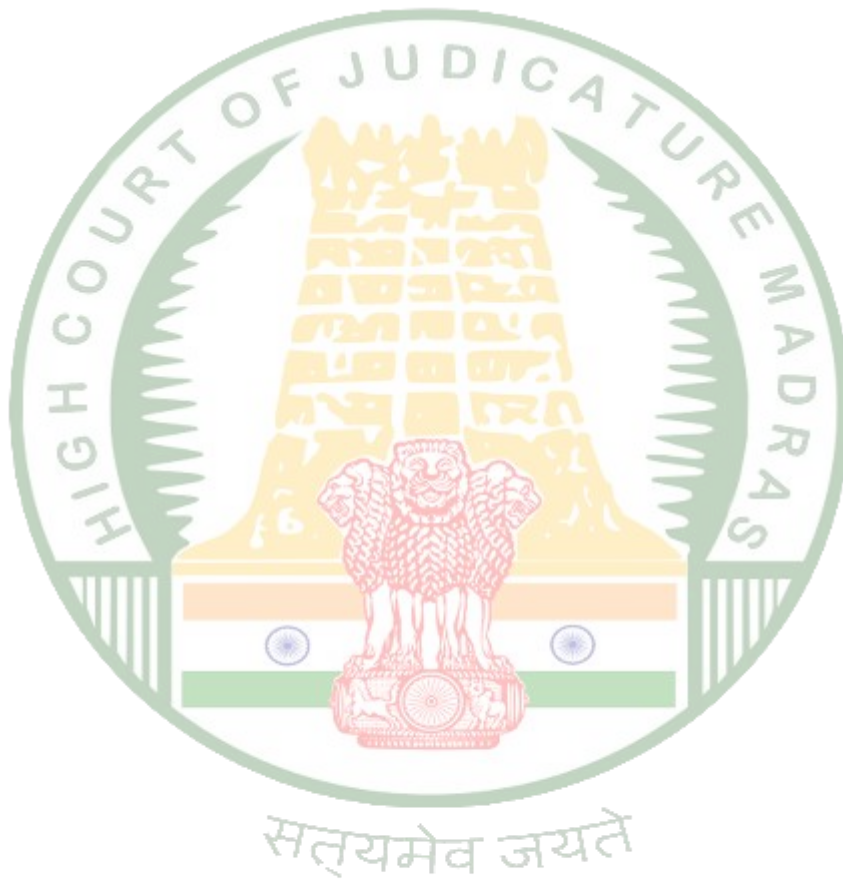
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