

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2021

CORAM :

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

CRP.(PD).No.3455 of 2018
and
Cmp.No.19356 of 2018

K.Kanniappan

... Petitioner/Plaintiff

Versus

1.N.Bhuvaneswari
2.N.Ramachandran
3.M.Hamsavalli
4.M.Barathi

... Respondents/Defendants

Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 10.01.2018 in I.A.No.678 of 2017 in O.S.No.236 of 2008 on the file of the learned Subordinate Judge at Kancheepuram.

For petitioner : Mr. J.R.K. Bhavanantham

For Respondents: Ms.Thamizharasi

ORDER

This Civil Revision Petition has been filed challenging the order dated 10.01.2018 in I.A.No.678 of 2017 in O.S.No.236 of 2008 on the file of the learned Subordinate Judge at Kancheepuram.

2.When the case was taken up for hearing on 02.02.2021, the learned counsel appearing for the respondents submitted that the respondents are ready and willing to repay the sum of Rs.4,00,000/- along with the interest to the revision petitioner from the date of filing of the suit on 25.04.2008 till 23.01.2021. Therefore, this Court directed the respondents to pay a sum of Rs.5,28,000/- by way of Demand Draft on or before 25.02.2021 out of the total amount arrived at Rs.11,28,000/-.

3.However, today when the matter is called, it is submitted by the learned counsel for the respondents that the respondents are ready to pay the entire amount of Rs.11,28,000/- to the revision petitioner/K.Kanniappan, for which, she also shown the original Demand Draft, dated 15.02.2021, bearing number:555322 drawn on State Bank of India, before this Court. To that effect

she has already filed a detailed memo on 16.02.2021, which reads as follows:-

1.Direct the petitioner to execute the cancellation of Sale agreement dated 23.05.2006.

2.Direct the petitioner to return the original sale deed of the respondents which is in the custody of the petitioners, which is given to him at the time of execution of sale agreement.

4.With regard to the handing over of the original sale deed, Mr.J.R.K.Bhavanantham, learned counsel for the petitioner admitted the fact that the sale deed is with his client. However, his client is not in a position to come to the Court and hand over the same, since the petitioner is not keeping well. Therefore, he assured that he will collect the original sale deed and hand over the same to the learned counsel appearing for the respondents or otherwise ready to hand over the same to the respondents.

5.Therefore, in this regard, both counsel are requested this Court to pass an appropriate orders. Accordingly, this Court is inclined to pass the following orders:-

i) the petitioner shall take necessary steps to cancel the sale agreement, in which case, the respondent shall co-operate with the petitioner for the execution of cancellation of the Sale agreement.

ii) the said exercise shall be completed, on or before 05.03.2021.

iii) after the cancellation of the sale agreement, the petitioner shall hand over the original sale deed to the respondents.

iv) on such receipt of the original sale deed, the respondents shall hand over the Demand Draft for a sum of Rs.11,28,000/- as recorded above, to the petitioner.

6.Mr.J.R.K.Bhavanantham, learned counsel for the petitioner submitted that the petitioner has already deposited a sum of Rs.1,00,000/- and the same may be returned to the petitioner, for which, he sought an appropriate direction to the Court below. In view of the above submissions, this Court is of the opinion that it would be appropriate to direct the Court below to permit the petitioner to withdraw a sum of Rs.1 Lakh, deposited by him in the above suit. Accordingly, the petitioner is permitted to withdraw the same. The Court below shall permit the petitioner to withdraw the sum of Rs.1,00,000/- deposited by the petitioner at the time of filing the suit, within a period of one week, on the date of receipt of a copy of this order.

7.With the above observations and directions, the Civil Revision Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

8.Post the matter "for reporting compliance" on 09.03.2021.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

klt

To

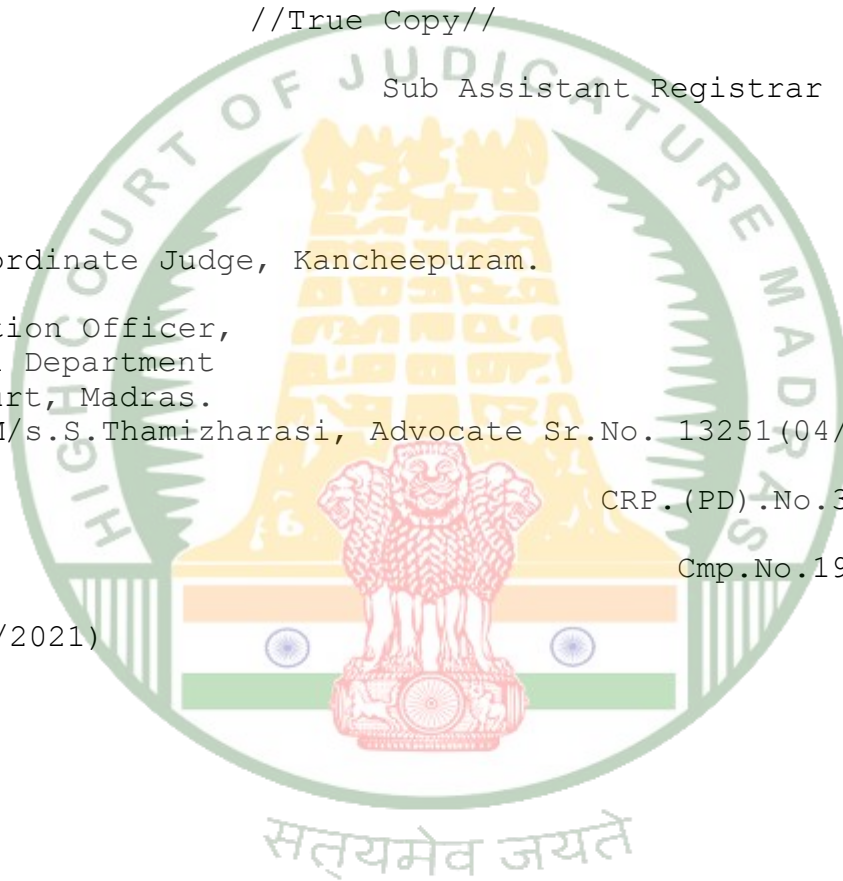
1.The Subordinate Judge, Kancheepuram.

2.The Section Officer,
Judicial Department
High Court, Madras.

+1 cc to M/s.S.Thamizharasi, Advocate Sr.No. 13251(04/03/2021)

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SSN (CO)
RMP (03/03/2021)



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