



A.No.121 of 2022
in C.S.No.23 of 2012

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N.SESHASAYEE, J.

The 2nd defendant in this Application has taken out this application to issue subpoena to the District Registrar, South Chennai.

2.The suit is laid for Specific Performance of a contract for sale of an immovable property, entered into between the 1st defendant and the plaintiff.

Admittedly, there was a certain Society that goes by the name of the 2nd defendant and it was registered as No.45/1984.

3.According to the applicant/2nd defendant, the office bearers of this Society has later formed another Society and this goes by the name of the 1st defendant and that was registered as No.61/2006.

4.The applicant's contention is that the property which is the subject matter of both the sale agreement as well as the suit continuous to belong to the 2nd defendant and to prove that the 2nd defendant continues to be in existence, the present Application is filed.



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5.The learned counsel for the plaintiff however, argues that the 2nd defendant had become defunct due to non compliance of certain statutory duties to be complied with by the Managing Committee of the 2nd defendant and hence, to get over the situation, the same Sangam took a new avatar as the 1st defendant and got it registered afresh. He also added that the plaintiff was a tenant of the property even earlier to it entered into the sale agreement involved in the suit.

6.The only purpose for which this application is taken out is to examine the District Registrar for the limited purpose of ascertaining whether the 2nd defendant continues to exist and is functioning and the suit property continuous to remain vested in the Managing Committee of the 2nd defendant.

7.Since, this is a Court of trial, it is important all facts are before the Court. Hence this application is allowed.



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8.The second defendant is required to summon the witness/District Registrar, South Chennai and he is required to be examined before the first defendant. The witness must be examined by first week of March, 2022 and summons must be applied and obtained before that. Handover summons is also permitted.

9.Post the matter before the Additional Master - III on 01.03.2022.

25.01.2022

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