



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Civil Appellate Jurisdiction)

Monday, the Seventh day of March Two Thousand Twenty Two

PRESENT

THE HON`BLE MR.JUSTICE C.V.KARTHIKEYAN

CMP.No.3410 of 2022

in AS.SR.No.12540 of 2022

G. LOKNATH

[PETITIONER]

Vs

1 GIRIJAMMAL

[RESPONDENTS]

2 NITISH

3 RAJANNA

4 SRINIVAS REDDY

5 NARAYANAREDDY

6 YASODHA

7 RATHNA

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to grant leave to the Petitioner/Appellant to file the appeal challenging the decree and judgement passed in OS.No.88 of 2012 dated 01.06.2016 and consequentially the final decree passed in I.A.No.145 of 2016, dated 03.01.2020, on the file of the Additional District and Sessions Judge, Krishnagiri at Hosur [in CMP.No.3410 of 2022 in AS.SR.No.12540 of 2022]

Order : This petition coming on this day for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.M.L.RAMESH, Advocate for the petitioner, the court made the following order:-

Heard Mr.M.L.Ramesh, learned counsel for the appellant.

2.The present petition has been filed seeking leave to file an appeal challenging the decree and judgment in O.S.No.88 of 2012 dated 01.06.2016 and also the final decree in I.A.No.145 of 2016 dated 03.01.2020. The said suit and application seeking final decree are pending on the file of the Additional District and



Sessions Court, Hosur in Krishnagiri. O.S.No.88 of 2012 had been filed seeking partition and separate possession. The parties were brothers. The judgment granting partition was passed, the decree followed that and thereafter, an application was filed seeking to pass final decree and that had also allowed on 03.01.2020.

3.The grievance raised by Mr.M.L Ramesh, learned counsel for the petitioner is that one of the properties which had been decreed and so decided to be partitioned had actually been sold by the father of the two brothers, much prior to the filing of the suit to the vendor of the present petitioner who had also purchased much prior to the filing of the suit. Naturally, there must be disclosure of such sale, since the sale deed is registered and the primary purpose of registration of sale deed is to announce to the public about the execution of a document conveying the particular property. Mr.M.L.Ramesh, stated that neither of the two parties had informed the Court about the factum of sale that the present petitioner herein had purchased it earlier to the suit and was also in possession.

4.In view of the above fact, leave is granted. The Registry is directed to number AS.SR.No.12540 of 2022, if it is otherwise in order.

-sd/-

07/03/2022

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Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

THE ADDITIONAL DISTRICT AND
SESSIONS JUDGE, HOSUR, KRISHNAGIRI

COPY TO

THE ASSISTANT REGISTRAR,
AE SECTION, HIGH COURT,
MADRAS 104.

Order
in

CMP.No.3410 of 2022
in AS.SR.No.12540 of 2022

Date :07/03/2022

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