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C.R.P.(PD) No.1599 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2022

CORAM

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

C.R.P.(PD).No.1599 of 2022
and C.M.P.No.8029 of 2022

1.Aaravamudhu
2.Lakshminarayanan
3.Kiruthiga
4.V.Srinivasamurthy

... Petitioners

Vs.

1.Om Sakthi Sekar @ Sekar
2.Gowri
3.Vasanth
4.Boobalan
5.Jagadeeswari
6.Karthigai Rani
7.Ramanan
8.N.K.Kumar
9.A.Jagadeesan
10.D.Kaliyamurthy
11.S.Sadagopan
12.V.Arumugam
13.A.Shankar
14.M.Kumar
15.The Sub Registrar
Oulgaret Sub Registrar Office
Having office at Jawahar Nagar
Puducherry.

... Respondents



PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 16.02.2022 made in I.A.No.164 of 2022 in O.S.No.142 of 2018 on the file of the learned II Additional District Judge, Puducherry.

For Petitioners : Mr.K.Sasindran

ORDER

This Civil Revision Petition has been filed, challenging the order of the learned II Additional District Judge, Puducherry. dated 16.02.2022 made in I.A.No.164 of 2022 in O.S.No.142 of 2018.

2. The petitioners are the 1, 7 & 8th defendants in the suit. The 1st respondent as the plaintiff in the suit has filed the suit for specific performance. During the pendency of the suit, he filed an application in I.A.No.164 of 2022 for permitting him to deposit the balance sale consideration of Rs.87,00,000/- in Court and the Court has also granted permission to deposit the same.



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3. The learned counsel for the petitioners submitted that the order of the learned trial Judge is a non-speaking one and the revision petitioners ought to have been given with a liberty to raise their objection. It is further submitted that the suit has been filed in the year 2018, but, the plaintiff had chosen to file a petition to deposit an amount of Rs.87,00,000/- only on 16.02.2022.

4. Just because the Court allowed the plaintiff to deposit the amount in the Court, the revision petitioners will not be deprived of their right to contest the suit on the basis of the pleadings made by them in their written statement. Or in otherwords, permission given by the Court to the plaintiff to deposit the amount need not be viewed as an assurance that the suit will be allowed, irrespective of the materials produced by the respective parties at the time of the trial. Since the suit can only be disposed on the merits of the case, the order of the Court in allowing the plaintiff to deposit the amount will not in any way prejudice the interest of the revision petitioners or their right to defend the suit successfully. In view of the same, I do not find any reason for interference.



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5. Accordingly, the Civil Revision Petition is dismissed and the fair and decreetal order passed in I.A.No.164 of 2022 in O.S.No.142 of 2018 dated 16.02.2022, by the II Additional District Judge, Puducherry, is hereby confirmed. No Costs. Consequently, connected Miscellaneous Petition is closed.

08.06.2022

Index : Yes/No
Speaking Order : Yes / No
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To

1. The II Additional District Judge,
Puducherry.
2. The Section Officer,
VR Section, Madras High Court,
Chennai.



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R.N.MANJULA, J.,

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