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C.R.P (PD).No.1768 of 2022 and
C.M.P.No.8897 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2022

CORAM:

THE HON'BLE Ms.JUSTICE **R.N.MANJULA**

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C.M.P.No.8897 of 2022

1.Vijayalakshmi

2.P.Guganathan

3.P.Miruthubasini

4.A.Muruganantham

5.R.Balasaraswathi

6.Manjula

... Petitioners

Vs.

V.Padmavathi

... Respondent

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order made I.A.No.9 of 2021 on the file of the 1st Additional District Munsif Judge, Erode in O.S.No.08 of 2018 on the file of the 1st Additional District Munsif Judge, Erode.

For Petitioners : Mr.B.Mohan



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ORDER

This civil revision petition has been filed to set aside the order made I.A.No.9 of 2021 on the file of the 1st Additional District Munsif Judge, Erode in O.S.No.08 of 2018 on the file of the 1st Additional District Munsif Judge, Erode.

2. Heard the learned counsel for the petitioners.

3. The petitioners are the defendants in the suit filed by the respondent / plaintiff in O.S.No.08 of 2018, for the relief of permanent injunction and to fix boundaries of the suit property. During the pendency of the trial proceedings, the revision petitioners have filed a petition to summon the Authorized Officer of State Bank of India, Coimbatore, to depose evidence by producing certain documents and the same was dismissed. Aggrieved over that, the petitioners have preferred this civil revision petition.

4. The learned counsel for the petitioners submitted that examination of the Authorized Officer is necessary in order to establish that the sale deed in favour of the respondent / plaintiff, is not valid. Without getting convinced of



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the contention of the learned counsel for the petitioners, the petition filed to recall the witness was dismissed.

5. On perusal of the records, it is seen that the respondent / plaintiff is a purchaser of the suit property through auction sale conducted, after observing the formalities of the SARFAESI Act. The petitioners said to have filed a SARFAESI application before the Debt Recovery Tribunal, Madras for setting aside the sale and the same is pending. As of now, the sale in favour of the respondent / plaintiff remains valid. By examining the Authorized Officer alone, the petitioner cannot establish the validity or the binding nature of the sale deed in favour of the respondent, since he himself has filed a SARFAESI application before the Debt Recovery Tribunal and sought the remedy. The lower Court is right in rejecting the application to recall the Authorized Officer to depose oral evidence with regard to the validity of the sale deed. Further, the validity or invalidity of the sale deed is a matter of law and not fact. I find no reasons for interfering in the order passed by the learned 1st Additional District Munsif, Erode.



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R.N.MANJULA, J.

gsk

6. Hence, this civil revision petition stands dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

20.06.2022

Index: Yes/No

Speaking / Non Speaking Order

gsk

To

1st Additional District Munsif Judge,

Erode.

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