



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.04.2022

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE S. ANANTHI

CRP (MD) .No. 835 of 2022

1.R.Backialakshmi
2.R.Rengaraj
3.R.Rajaram
4.R.Senthilkumar
5.R.Muthuselvan
6.R.Muthuselvi
7.R.Muthulakshmi ..Petitioner/Petitioners/Defendant

Vs

K.Pandian ..Respondent/Respondent/Plaintiff

Prayer: This Civil Revision Petition is filed under Section 115 CPC of the Constitution of India against the fair and decreetal order, dated 16.12.2021 passed in I.A.No. 79 of 2021 in O.S.No.427 of 2004 on the file of the VI Additional District Judge, Madurai.

For Petitioner : Mr.S. Srinivasa Raghavan

ORDER

The revision petitioners / defendants have filed this revision to set aside the order, dated 16.12.2021 passed in I.A.No. 79 of 2021 in O.S.No.427 of 2004 on the file of the VI Additional District Judge, Madurai.

2. Heard the learned counsel appearing for the petitioners. Since no adverse order passed against the respondent, no notice is necessary to the respondent.

3. The said suit in O.S.No.427 of 2004 was filed by the respondent / plaintiff for specific performance to execute the sale deed on the basis of the sale agreement and the same was decreed. Against which, the revision petitioners / defendants have filed an appeal in A.S.No.153 of 2008 before this Court and the same was allowed on 23.01.2020. This Court has also set aside all the orders passed in the Executing Court. So, the revision petitioners have filed the present I.A.No.79 of 2021 to cancel the sale deed executed. But, the E.P Court has dismissed the said application without considering the order passed in the said appeal.



4. Since the appeal filed by the revision petitioners / defendants was allowed, all the orders passed in the Executing Court is set aside and hence, the sale deed should be cancelled. The petitioners are directed to move the Sub Registrar's Office for cancellation of sale deed. Further, the respondent was also set ex parte in the Interlocutory Application. Hence, this Court is inclined to interfere with the order passed by the Court below.

5. Accordingly, this Civil Revision Petition is allowed and the order, dated 16.12.2021 passed in I.A.No. 79 of 2021 in O.S.No.427 of 2004 on the file of the VI Additional District Judge, Madurai is set aside. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

VI Additional District Judge, Madurai.

+1 CC to M/s.S. SRINIVASA RAGHAVAN, Advocate (SR-18252[F] dated 12/04/2022)

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