



C.R.P.No.31of 2020

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 07.09.2023**

**CORAM:**

**THE HON'BLE MR JUSTICE V. LAKSHMINARAYANAN**

**C.R.P.No. 31 of 2020**

**and**

**C.M.P.No. 155 of 2020**

Jagedesh

...Petitioner

Versus

1. A. Gandhi
- 2.D.Anand
- 3.Nadiayan@Muniyan
4. Rathna
- 5.D.Meivel
- 6.A. Pattappan

- 7.The Sub Registrar,  
Anthiyur Sub Registrar Office,  
Anthiyur,  
Erode Taluk

... Respondents.

**PRAYER:** Civil Revision Petition filed under filed under Article 227 of Constitution of India, prays to set aside the fair and decreetal order dated 05.11.2019 made in I.A.No.03/2019 in OS No.06 of 2019 on the file of the IV Additional District Judge, Bhavani, Erode District and to allow the above Civil Revision Petition.

For Petitioner : Mr.S. Arivalagan

For Respondents 1 &2 : Mr.J. Ranjith Kumar

For respondent 7 : Mr.B.Tamil Nidhi  
Additional Government Pleader



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## **ORDER**

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The 1<sup>st</sup> and 2<sup>nd</sup> respondents herein filed O.S.No.6 of 2019 on the file of the IV Additional District Judge, Bhavani, Erode District. The said suit is for declaration of title and consequential reliefs. The 3<sup>rd</sup> defendant in the suit, who is the revision petitioner before me had filed O.S.No.8 of 2017 before the very same Court. O.S.No.8 of 2017 was decreed for specific performance of an agreement of sale. Pursuance to the decree in O.S.No.8 of 2017, the petitioner initiated E.P.No.7 of 2018. Coming to know of the same, the 1<sup>st</sup> and 2<sup>nd</sup> respondents herein had filed the aforesaid O.S.No.6 of 2019.

2. They took out an application to stay all further proceedings in E.P.No.7 of 2018 pending disposal of the O.S.No.6 of 2019. Learned Trial Judge came to the conclusion that till the title is decided in O.S.No. 6 of 2019, the decree in O.S.No.8 of 2017 could be kept in abeyance.

3. The learned Counsel for the respondent submits that much water has passed today and pursuant to the order of stay granted by the learned Trial Judge, today, the matter is posted for D.W.1 cross examination.



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4. Therefore, at this stage I am not inclined to interfere with the order especially a discretionary one exercised by the learned Trial Judge. A discretionary order is liable for correction and revision only if it is arbitrary or capricious. Going through the order, I do not find the order suffers from any of these infirmities. In the interest of justice, if an earlier disposal is granted to O.S.No. 6 of 2019 that would clarify as to whether the vendor in O.S.No.8 of 2017 had title on the basis of which the decree had been passed on 28.11.2017.

5. Therefore while dismissing this revision, the learned IV Additional District Judge, Bhavani, Erode is requested to take up O.S.No. 6 of 2019 and dispose of the same on or before 28.02.2024.

6. With the above directions, the civil revision petition stands dismissed. Consequently, connected miscellaneous petition is closed.

**07.09.2023**  
**(2/2)**

Index: Yes/ No  
Speaking Order / Non-Speaking Order  
nr



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C.R.P.No.31 of 2020

**V.LAKSHMINARAYANAN, J.**

nr

To  
The Sub Registrar,  
Anthiyur Sub Registrar Office,  
Anthiyur,  
Erode Taluk

**C.R.P.No. 31 of 2020**  
**and**  
**C.M.P.No. 155 of 2020**

**07.09.2023**