



WEB COPY



C.R.P(PD)No.200 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2023

CORAM:

Mr. JUSTICE N.SESHASAYEE

C.R.P(PD)No.200 of 2019
and C.M.P.No.1624 of 2019

M.SIDDIQUE @ ABUBAKAR

... Petitioner

Vs.

1.S.ANTONY MICHAEL

2.REJI CHACKO

3.P.C.KURIEN

Rep. by his power of attorney, Reji Chacko

4.ROBIN CHACKO

5.ROSH CHACKO

6.T.ROBERT GNANASEKARAN

... Respondents

PRAYER: The Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decretal order passed in I.A.No.786 of 2014 in O.S.No.260 of 2014 dated 23.10.2018 by the learned Principal District Judge of Kancheepuram at Chengalpattu and to allow this revision.

For Petitioner : Mr.G.Ilamurugu

For Respondents : Mr.Y Kaja Navas for R1
No Appearance for R2, 4 and 5



ORDER

Learned counsel for the plaintiff / respondent submitted that vis-a-vis the ground on the basis of which the 6th defendant seeks rejection of the plaint is that the legal representatives of deceased Mary Thomas had subsequently executed a ratification deed dated 16.02.2007. This gets highlighted in order of this Court dated 08.06.2018 in C.M.A.No.547 of 2018, which arose from a certain order of the trial Court passed in the very same suit.

2.Both the plaintiff and the 6th defendant claim title to the same property and both trace their title to Mary Thomas. So far as the 6th defendant is concerned, he claims that post the demise of Mary Thomas, her collateral heirs namely defendants 1 to 4 entered into a compromise with him in a pending suit for specific performance. On the other hand the same set of defendants 1 to 4 have also executed a ratification deed as concerning the sale obtained by the plaintiff through the power of attorney of Mary Thomas. With two persons claiming title to the same property with two sets of person either compromising the outstanding dispute or executing the ratification deed, this Court does consider that there indeed is a triable issue and the matter has to go back to the trial Court.



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3.In conclusion, this Court does not consider it appropriate to interfere with the order of the trial Court. This Court directs the trial Court to expedite the trial, but since the matter is pending before the Principal District Court, Chengalpattu, which generally is over loaded with work, this Court deems it appropriate to transfer the case to the I Additional District Court, Chengalpattu. The learned I Additional District Judge is required to dispose of the matter within a period of four (4) months.

4.With the above direction, this Civil Revision Petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

13.06.2023

Index : Yes / No

Speaking / Non speaking order

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To.

The Principal District Judge of Kancheepuram
Chengalpattu



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N.SESHASAYEE, J.

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