



WEB COPY



S.A.No.651 of 2006

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2023

CORAM

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

S.A.No.651 of 2006

1. V.Natarajan (deceased)
2. A.P.Sakthivel
3. P.Natarajan
4. P.Sakunthala
5. Y.Nalini
6. N.Kamalam

... Appellants

Vs.

T.V.R.Chit Funds Private Limited,
A Private Limited Company,
Rep. by its Director, R.Chandrasekaran,
No.30, K.S.C.Higher Secondary School Road,
Thiruppur Town.

... Respondent

Prayer: Appeal filed under Section 100 of C.P.C., against the Judgment and Decree dated 19.10.2005 and made in A.S.No.70 of 2005 on the file of the learned Principal District Judge Coimbatore, allowing the appeal and reversing the Judgment and Decree dated 28.02.2005 and made in O.S.No.94 of 1999 on the file of Sub Court, Thiruppur.

For Appellants : Mr.N.A.Nissar Ahmed

For Respondent : Mr.Surya Narayanan
for Mr.Rahul Balaji



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JUDGMENT

The learned counsel for the respondent submits that M/s.T.V.R.Chit Funds Private Limited is no longer in existence, therefore it is not feasible to execute a sale deed in its favour as directed by the lower Appellate Court. Hence, the decree for specific performance has become otiose. I notice that the issue that remains is with respect to refund of an advance amount. M/s.T.V.R.Chit Funds Private Limited not being in operation, it is only the Registrar of Chit Funds who can make a claim. Hence, it is open for the Registrar of Chit Funds to file an appropriate application, if so advice to recover the amounts paid as advance.

2. With the above observations, the second appeal stands closed.

No costs.

15.03.2023

Index : Yes/No
rgm

V.LAKSHMINARAYANAN, J.



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rgm

To

- 1.The Principal District Judge,
Coimbatore.
- 2.The Sub Court,
Thiruppur.

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