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C.R.P.No.2748 of 2019



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2023

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

C.R.P.No.2748 of 2019

and

C.M.P.Nos.18096 & 18100 of 2019

M.Ashokchand

....

Petitioner

Vs

1. M.Vijaichand
2. B.F.Leela Bai
3. M.Pushpalatha @ Pushpa Bai
4. M.Dharamchand
5. M.Jaichand

K.S.Shantilal (Deceased)

6. S.Kanthilal
7. S.Lalith Kumar
8. S.Mahaveerchand
9. S.Balchand
10. Veena

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Respondents

**Prayer :-** Civil Revision Petition is filed under Article 227 of Constitution of India to set aside the order dated 11.09.2018 passed in I.A.No.269 of 2017 in O.S.No.35 of 2013 on the file of the District Judge at Nilgiris at Udhagamandalam and consequently permit the petitioner herein to bring Item No.4 of the plaint schedule mentioned property or any other plaint schedule mentioned property for sale and appropriate the sale proceeds towards the marriage expenses incurred by the petitioner.

For Petitioner : Mr.Rahul Balaji



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For R1 : Mr.A.E.Ravichandran  
For R2 to R10 : No appearance

**ORDER**

This Civil Revision Petition has been filed to set aside the order dated 11.09.2018 passed in I.A.No.269 of 2017 in O.S.No.35 of 2013 on the file of the District Judge at Nilgiris at Udthagamandalam, thereby dismissing the petition seeking permission to sell some item of the plaint schedule mentioned property.

2. The petitioner is the second defendant in the suit filed by the first respondent herein for partition. Pending suit, the petitioner filed an application seeking permission to sell the Item No.4 in the plaint schedule mentioned property, one of the suit property in favour of the third parties in order to face the expenses of his daughter's wedding. However, the said application was dismissed on the ground that while pending the said application, marriage of the petitioner's daughter was held and as such, there is no need to sell the said property.

3. The learned counsel appearing for the petitioner would submit that during the marriage, he borrowed huge sum of loan and in order to repay the said loan, he is dire need to sell his share of the suit



property, since the suit property was purchased by his father and he is in possession of the same.

4. A perusal of the affidavit reveals that the said application was filed in order to mobilise fund for selling the subject property and utilizing the sale proceeds for the marriage of the petitioner's daughter. However, he did not borrow the huge amount from the third parties. That apart, the suit trial has begun and P.W.1 was examined and posted for further evidence.

5. Hence, this Court finds no infirmity or illegality in the order dated 11.09.2018 passed in I.A.No.269 of 2017 in O.S.No.35 of 2013 on the file of the District Judge at Nilgiris at Udthagamandalam. Accordingly, this Civil Revision Petition stands dismissed. The Trial Court is directed to dispose of the suit within a period of six months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed. No costs.

**27.02.2023**

Index:Yes/No  
Internet:Yes/No  
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**G.K.ILANTHIRAIYAN, J.**



C.R.P.No.2748 of 2019

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To

The District Judge,  
Nilgiris at Uthagamandalam.

C.R.P.No.2748 of 2019  
and  
C.M.P.No.18096 & 18100 of 2019

27.02.2023