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C.R.P.No.208 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2023

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P.No.208 of 2018
and C.M.P.No.1171 of 2018

1.V.Yuvaraj
2.C.Periasami
3.P.Selvi
4.Sumathy
5.P.Vijayalakshmi
6.G.Manjula
7.P.Sudha
8.K.P.Makesh Keerthi
*[R3 to R8 brought on record
as LR's of deceased 2nd petitioner
vide order dated 30.11.2020]*

.. Petitioners

vs

Kuppaiah @ Kuppusamy (died)

1.Natarajan
2.K.Raja
3.Anandan
4.Deepa
5.K.Seenivasan (died)
6.Sumathi
7.Shanthi
8.Sivashankar
9.Nandhini
*[R1 to R9 brought on record
as LR's of deceased Kuppaiah @ Kuppusamy
vide order dated 11.07.2023]*
10.S.Sindubairavi
11.Manikandan
12.Sowmya
13.Minor Sandhya
*[R10 to R13 brought on record
as LR's of deceased K.Seenivasan
vide order dated 11.07.2023]*

.. Respondents



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Petition filed under Article 227 of the Constitution of India aggrieved against the order and decretal order dated 15.12.2017 made in I.A.No.280 of 2017 in O.S.No.70 of 2011 on the file of Additional District Judge at Hosur.

For Petitioners : Mr.M.Sriram

For Respondents : Mr.Bharathkumar

ORDER

O.S.No.70 of 2011 is a suit for specific performance to direct the sole defendant to execute the sale deed in favour of the plaintiffs. According to the plaintiffs, it was agreed that the property would be sold for a sum of Rs.1,56,95,000/-. As per the agreement of sale, the property was not alienated, hence the suit has been filed.

2. Pending disposal of the suit, an application has been taken out in I.A.No.280 of 2017 seeking for a stay of the proceedings under Section 10 of the Code of Civil Procedure.



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3. Learned counsel for the petitioner would submit that the defendant had filed W.P.No.19366 of 2010 seeking for transfer of patta and when that matter came up for hearing, this Court, had passed an order directing the first respondent / the Tahsildar, Hosur Taluk, to consider the request for grant of change of revenue records within the stipulated time.

4. Learned counsel for the petitioner further submits that as against writ petition, an appeal has been filed in W.A.No.43 of 2012 and the same is pending. Therefore, till disposal of W.A.No.43 of 2012, he would want the suit for specific performance to be stayed.

5. It is quite surprising that the plaintiff has filed this application seeking for stay of suit allegedly on the basis that the writ appeal filed by the alleged vendor is still pending consideration. There are no issues in common between the writ petition and the suit. The proceeding in the writ petition relate to grant of patta whereas in the present case it relates to an enforcement of an agreement.

6. The learned trial Judge has correctly appreciated the



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case and has rejected the application on the ground that there are no parallel suit or earlier proceedings with respect to the issues concerned in the suit. I confirm the said finding.

7. In view of above, this civil revision petition is dismissed. The issues having been completed, the learned trial Judge is requested to take up the suit and dispose it within a period of nine months from today. No costs. Connected miscellaneous petition is closed.

11.07.2023

Index:Yes/No
Neutral Citation:Yes/No
ssm

To

The Additional District Judge at Hosur.



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V. LAKSHMINARAYANAN,J.

ssm

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