



C.R.P. No. 2740 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :.09.08.2023

CORAM :

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN
C.R.P. No. 2740 of 2023

T. Shivashankaran

...Petitioner

.Vs.

P.K. Mathai

..Respondent

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to direct the learned Principal subordinate Judge, Hosur to direct the respondent to execute the Sale deed in favour of the Revision Petitioner/Decree Holder, in respect of the property in Survey No.904 to an extent of 1200 Sq.Ft situated at Onnalavadi Village, Hosur Taluk, Krishnagiri District without impleading the third parties in the execution proceedings in R.E.P.No.63/2019 in O.S.No.113 of 2012 on the file of the Learned Principal Subordinate Judge at Hosur within a stipulated period fixed by this Hon'ble Court and pass orders.

For Petitioner

: Mr. C. Samivel



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ORDER

This petition is filed seeking a direction, directing the learned Subordinate Judge, Hosur to direct the respondent to execute the sale deed in favour of the Revision petitioner/ Decree holder for in respect of the schedule properties in R.E.P.No.63 of 2019 in O.S.No.113 of 2012 on the file of the learned Principal Subordinate Judge, Hosur

2. The case of the petitioner is that he has entered into an agreement of sale between the respondent herein and paid a advance amount of Rs.5,000/- However, the respondent failed to execute the sale deed in favour of the petitioner, inspite of the repeated request. Hence, the petitioner filed O.S.No.113 of 2012 before the Learned Additional Subordinate Judge, Hosur, wherein the suit is decreed with cost granting relief of specific performance and directing the respondent to execute the sale deed in respect of the suit property within one month from the date of decree. Thereafter, the petition filed an Executive petition in R.E.P.No.63 of 2019 directing the respondent to execute the sale deed in favour of the petitioner. In the mean time it came to light that there was encumbrance in the subject property, due



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to which the Execution Court directed the petitioner to file an impleading petition to implead the subsequent purchaser and to give a representation to the Sub Registrar to cancel those transaction before the concerned Sub Registrar and the petitioner also gave a representation to the authorities concerned. However, there was no response from the officials concerned. Hence this petition.

3. The learned counsel for the petitioner submitted that the petitioner has paid the entire sale consideration and the suit for specific performance was also decreed in favour of the petitioner. Hence, there is no necessity to implead the subsequent purchaser in the Execution petition. Hence, he prays this Court to allow this petition with a direction to the learned Principal subordinate Judge, Hosur to direct the respondent to execute the Sale deed in favour of the Revision Petitioner/Decree Holder, in respect of the property without impleading the third parties in the execution proceedings.



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4. In view of the above, the learned Principal subordinate Judge, Hosur is directed to dispose of the R.E.P.No.63 of 2019 in O.S.No.113 of 2012 within a period of six months from the date of receipt of a copy of this order.

5. With the above observations, this Civil Revision Petition is disposed of. No order as to costs. Consequently, the connected miscellaneous petition is closed.

09.08.2023

smn

Index : Yes/No

Internet: Yes/No

To.

The Principal Subordinate Judge at Hosur



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V.BHAVANI SUBBAROYAN,J.
Smn

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