



C.R.P.(PD)No.4055 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2023

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P.(PD)No.4055 of 2016

Eswari

.. Petitioner

VS

M.Muthu Bava Kalifullah

.. Respondent

Petition filed under Article 227 of the Constitution of India against the fair order and decreetal dated 08.06.2016 in I.A.No.240 of 2016 in O.S.No.211 of 2010 on the file of the Sub Court, Sathyamangalam.

For Petitioner : Mr.K.Mukund Rao

For Respondent : Mr.P.Valliappan

ORDER

The petitioner seeks to revise the order passed in I.A.No.240 of 2016 in O.S.No.211 of 2010. The said application was filed seeking for stay of the suit for specific performance in O.S.No.211 of 2010, pending disposal of O.S.No.201 of 2010. O.S.No.211 of 2010 had been filed for partition and for a declaration that the judgment and decree in O.S.No.11



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of 2001 dated 10.05.2002 is invalid and for specific performance of an agreement of sale which had been executed by the defendants. The issues in both the suits are different and therefore, the application was dismissed by the trial Court.

2.I find no reason to interfere as the learned Judge has correctly appreciated the position of law, as the issues in a partition suit are different from the issues in a specific performance suit. He has rightly declined to grant stay. Further, it is an exercise of discretionary power which unless and until is capricious or arbitrary, need not be interfered within a revision under Article 227 of the Constitution of India. I do not find the order to be capricious or arbitrary. Therefore, I am decline to interfere exercising revisional jurisdiction. This civil revision petition is dismissed. No costs.

24.07.2023
(2/2)

Index:Yes/No
Speaking order/Non-speaking order
Neutral Citation:Yes/No
vs

To

The Sub Court,
Sathyamangalam .



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V. LAKSHMINARAYANAN,J.

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