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C.R.P.No.2383 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2023

CORAM

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

C.R.P.No.2383 of 2023
and C.M.P.No.14884 of 2023

M.Udayakumar

... Petitioner

Versus

Renugadevi

... Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order passed in I.A.No.3 of 2021 in O.S.No.99 of 2014 dated 07.02.2023 by the V Additional District Judge, Coimbatore.

For Petitioner

: Mr. J.Franklin

ORDER

The plaintiff in O.S.No.99 of 2014 filed the revision questioning the judgment and decree dated 07.02.2023 made in I.A.No.3 of 2021 by the



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learned V Additional District Judge, Coimbatore.

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2. The case of the petitioner is that he entered into an agreement of sale dated 01.03.2013 with the defendant, she being the owner of the suit schedule property, having purchased the same vide sale deed dated 26.12.2011. The sale price is fixed at Rs.20,00,000/- and he paid an advance amount of Rs.18,00,000/-. The time limit for completing the sale transaction is eleven months. As per the agreement, the defendant agreed to construct new building to an extent of 1300 sq.ft. in ground floor and first floor. But the defendant failed to execute the sale deed, but demanded an additional sum of Rs.5,00,000/-, which is not lawful. Though the plaintiff was ready to perform his part of contract, the defendant had been postponing the compliance of her part of contract. Hence, the legal notice was issued on 21.01.2014 calling upon her to execute the sale deed, after receiving the balance sum of Rs.2,00,000/-, but the same was returned as “No known”. Thus, the suit for specific performance and permanent injunction was laid in O.S.No.99 of 2014, in which I.A.No.3 of 2021 was filed praying to send the subject sale agreement along with sale deed dated 26.12.2011 to forensic lab through Advocate Commissioner for comparing of signature. Dismissal of



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the same led to the filing of the present revision.

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3. Heard both sides and perused the materials placed before this Court.

4. At the outset, it is to be stated that the reason on which I.A.No.3 of 2021 was dismissed that the plaintiff filed the petition belatedly with a view to protract the proceedings. The Trial Court culled out the dates, on which the suit was posted for trial and it was dismissed for non-prosecution and restored to file. Thus, after giving so many opportunities, the trial is going on in the suit which is of the year 2014. But the plaintiff chose to file the interim application only in the year 2021, which is nothing a delaying tactics adopted by the plaintiff.

5. This Court is also of the view that the plaintiff had filed the present petition in the year 2023 only to protract the suit proceedings which is of the year 2011. Hence, the same cannot be appreciated by this Court and there is no merit in the revision.



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V.BHAVANI SUBBAROYAN, J.,

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6. Accordingly, this revision petition is dismissed. The parties are directed to co-operate for the expeditious disposal of the suit proceedings. No Costs. Consequently connected miscellaneous petition is closed.

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Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

To

The Additional District Judge, Coimbatore.

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