



C.R.P.No.4259 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2023

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

C.R.P.No.4259 of 2022

R.Lakshmi

.. Petitioner

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India seeking to set aside the order dated 24.11.2022 in I.A.No.2 of 2022 in HMGOP No.21 of 2022 passed by the Learned Principal Judge, City Civil Court Chennai and thereby grant time for complying the order HMGOP No.21 of 2022.

For Petitioner : Mr.S.Kousik for
M/s.S.Gomathi

ORDER

The present Civil Revision Petition is filed to set aside the order dated 24.11.2022 passed in I.A.No.2 of 2022 in HMGOP No.21 of 2022.



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WEB COPY 2. The revision petitioner is the mother / guardian in respect of the two minor children namely, R.Akash and R.Deepika. The learned Principal Judge, City Civil Court, Chennai passed an order dated 28.07.2022 in HMGOP.No.21 of 2022 allowing the petition with the following conditions:-

“(7) In the result, this Petition is allowed with the following conditions.

(i) The Petitioner, Mrs.R.Lakshmi is permitted to sell the minors' (R.Akash and R.Deepika), 2/6th share in the petition mentioned shedule property and execute the sale deed on behalf of minors by receiving Rs.6,12,500/- by means of demand draft drawn infavour of the Registrar, City Civil Court, Chennai to the account H.M.G.O.P.No.21/2022.

(ii) The petitioner is directed to deposit the demand draft drawn infavour of the Registrar, City Civil Court, Chennai to the account H.M.G.O.P.No.21/2022.

(iii) On receipt, the office is directed to invest the said amount in the name of minors R.Akash & R.Deepika, each Rs.3,06,250/- in a Nationalized Bank till they attain majority.

(iv) The petitioner is permitted to receive the interest



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one in three months.

(v) All the transactions should be completed within three months from today, failing which the permission stands cancelled. The Petitioner should also produce the copy of the Sale Deed into the Court.

3. Learned counsel for the revision petitioner states that in respect of the third child, the petitioner has to obtain certain certificates from the competent authorities, which took more time and thus, the petitioner was not in a position to comply with the conditions imposed by the learned Principal Judge, City Civil Court, Chennai in order dated 28.07.2022. However, all such certificates were obtained and subsequently, the petitioner was ready and willing to comply with the conditions. Accordingly, the petitioner filed I.A.No.2 of 2022 in HMGOP.No.21 of 2022, which was dismissed by the learned Principal Judge, City Civil Court, Chennai stating that the petition became infructuous.

4. The conditional order passed by the learned Principal Judge on



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28.07.2022 reveals that transactions should be completed within three months from 28.07.2022, failing which, the permission stands cancelled. In the said context, the interlocutory application filed by the petitioner was dismissed as infructuous.

5. Since the petitioner states that they are ready and willing to comply with the conditions and the delay occurred on account of the certificates to be obtained from various authorities, this Court is of an opinion that an opportunity is to be granted to the petitioner to comply with the conditions imposed by the learned Principal Judge, City Civil Court, Chennai in the order dated 28.07.2022.

6. Because of certain procedural delay, the right of the parties need not be denied and thus, in the interest of justice, this Court is inclined to consider the present Civil Revision Petition and accordingly, the revision petitioner is permitted to comply with all the conditions imposed by the learned Principal Judge, City Civil Court, Chennai in HMGOP.No.21 of



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2022 dated 28.07.2022 within a period of one month from today, failing which, the Civil Revision Petition stands dismissed automatically.

7. Accordingly, the Civil Revision Petition stands allowed. However, there will be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

05.01.2023

Speaking Order/Non-Speaking Order.

Internet : Yes/No.

Index: Yes/No.

Neutral Citation: Yes/No

nhs/drm

Copy to:

Learned Principal Judge,
City Civil Court,
Chennai.



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S.M.SUBRAMANIAM, J.
nhs

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