



C.R.P. (NPD) Nos. 4400 and 4401 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.07.2023

CORAM:

THE HON'BLE Mr. JUSTICE V. LAKSHMINARAYANAN

C.R.P. (NPD) Nos. 4400 and 4401 of 2017
and
C.M.P. No. 20929 of 2017

C.R.P. (NPD) No. 4400 of 2017:-

1. K.T.Venkatesan also known as
K.T.Venkatsa Raja
2. K.T.Srinivasa Raja

...Petitioners

Vs.

1. Ramesh Venkat
Rep. by his Power Agent
Mrs.G.Subbulakshmi
2. Sujatha
3. Mahesh
4. Meena

5. M/s. Indian Overseas Bank
Adyar Branch
Office at No.12, Sardar Patel Road
Adyar, Chennai – 600 020.
Rep. by its Manager and Authorised Officer

... Respondents

Prayer:- Petition filed under Article 227 of the Constitution of India praying to allow the above C.R.P. by setting aside the judgment and decree passed in O.S. No. 5822 of 2012 dated 20.03.2015 by the IV Additional Judge, City Civil Court, Chennai.

For Petitioner : Mr. R.Vishnu



C.R.P. (NPD) Nos. 4400 and 4401 of 2017

For Respondents : Mr. G.V.Subramaniam (R1)

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C.R.P. (NPD) No. 4401 of 2017:-

1. K.T.Venkatesan
2. K.T.Srinivasa Raja

...Petitioners

Vs.

Ramesh Venkat
Rep. by his Power Agent
Mrs.G.Subbulakshmi

... Respondent

Prayer:- Petition filed under Article 227 of the Constitution of India praying to allow the above C.R.P. by setting aside the order and decretal order passed in I.A. No. 860 of 2013 in O.S. No. 5822 of 2012 dated 21.01.2015 by the IV Additional Judge, City Civil Court, Chennai.

For Petitioners : Mr. R.Vishnu

For Respondent : Mr. G.V.Subramaniam

COMMON ORDER

Civil revision petition No. 4401 of 2017 arises against the order dated 21.01.2015 passed by the learned IV Additional Judge, City Civil Court, Chennai in I.A. No. 860 of 2013 in O.S. No. 5822 of 2012. The other civil revision petition in C.R.P. No. 4400 of 2017 challenges the very decree



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itself.

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2. Pending the proceedings, this Court by judgment in **Ramesh Venkat -vs- Narashimhan** reported in 2020 (1) CTC 398 has held the decree to be a nullity as it was against a dead person.

3. Apart from that, the plaintiffs themselves moved an application stating that they want to withdraw the accumulated amount of Rs. 70,42,070.64 (Rupees Seventy Lakhs Forty Two Thousand Seventy and Paise Sixty Four only) being the amount deposited by them, pursuant to the decree dated 28.02.2001. The said application was allowed by my sister V.Bhavani Subbaroyan, J., on 08.04.2022. The decree has been held to be a nullity, the plaintiffs have lost interest in getting the agreement of sale converted to a sale deed and have also withdrawn the amount. Therefore, no further adjudication is necessary in these revisions.

4. Recording the fact that the plaintiffs have withdrawn the amount



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deposited by them and the fact that the decree of the Court has been held to
be nullity, I dismiss these revisions. No costs.

04.07.2023

Maya

NCS : Yes/No

Index : Yes/No

To

The IV Additional Judge
City Civil Court, Chennai.



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V.LAKSHMINARANAN, J.

Maya

**C.R.P. (NPD) Nos. 4400 and 4401 of 2017
and
C.M.P. No. 20929 of 2017**

04.07.2023