



C.R.P(MD)No.875 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **30.03.2023**

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.R.P(MD)No.875 of 2023

Karu.Malai.Kathiresan

...Petitioner/Petitioner/
Plaintiff

Vs.

1.S.V Ganesan

2.K.Malarvizhi

... Respondents/Respondents/
Defendants

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to pass an order directing the Learned Principal District Court, Sivagangai to number the I.A filed by the petitioner in Unnumbered I.A.No. of 2023 (19-register Number 8251 of 2023) in O.S No. 11 of 2011 which was finally returned on 01.03.2023 and dispose of the same in accordance with law within the time fixed by this court.

For Petitioner : Mr.N.Tamilmani

ORDER

The present Civil Revision Petition has been filed to direct the Learned Principal District Court, Sivagangai to number the I.A filed by



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the petitioner in Unnumbered I.A.No. of 2023 (19-register Number 8251 of 2023) in O.S.No.11 of 2011 and dispose of the same in accordance with law.

2. The petitioner is the plaintiff in O.S.No.11 of 2011, which was decreed by the Court on 04.02.2020. Pursuant to which the petitioner also filed E.P.No.4 of 2021. The defendants/respondents herein also agreed for execution of the sale deed and made no objection on 15.04.2021. Pursuant to which the petitioner appears to have deposited a sum of Rs.12,49,000/- towards sale consideration and Rs.2,50,000/- towards stamp duty. At the time of registration, the Joint Sub Registrar No.2, Sivagangai has refused to register the sale deed saying that the land in question is the Government land and the sale deed cannot be registered in favour of the petitioner.

3. The decision of the Joint Sub Registrar No.2, Sivagangai was challenged by the petitioner in W.P(MD)No.18808 of 2022 before this Court, wherein, an order came to be passed directing the petitioner to file an appeal before the District Registrar, Sivagangai. Pursuant to which, the petitioner approached the District Registrar, Sivagangai, who



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dismissed the petitioner's appeal. Aggrieved by the same, the petitioner has filed O.S.No.67 of 2022 before the Sub Court, Sivagangai.

4. Considering the fact that the petitioner is unable to enjoy the suits to the decree obtained by the petitioner in O.S.No.11 of 2011 on 04.02.2020, the petitioner now seeks for refund of the amount deposited by the petitioner.

5. The learned counsel for the petitioner submits that the petitioner is willing to deposit the amount in case sale deed is eventually registered in favour of the petitioner subject to final outcome of the suit.

6. I am of the view that the submission of the learned counsel for the petitioner appears to be fair. In case, the amount is to be refunded back to the petitioner, suitable security may be obtained from the petitioner. The learned Principal District Court, Sivagangai is directed to number the the unnumbered I.A. and dispose of the same as expeditiously as possible preferably within a period of 3 months from the date of receipt of copy of this order.



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7. The present Civil Revision Petition stands disposed of with the above observations. No costs.

30.03.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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Note: Registry is directed to return the original copy of the impugned order to the learned counsel for the petitioner.

To

- 1.The Learned Principal District Court,
Sivagangai.
- 2.The Section Officer
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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C.SARAVANAN,J.

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