



C.R.P.(MD)No.2264 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.10.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)No.2264 of 2023

Karu.Malai.Kathiresan

... Petitioner/
Petitioner/
Plaintiff

Vs.

1. S.V.Ganesan

2. K.Malarvizhi

... Respondents/
Respondents/
Defendants

Prayer : This Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decretal order passed by the Principal District Court, Sivagangai in I.A.No.3 of 2023 in O.S.No.11 of 2011 dated 24.07.2023 and allow the same.

For Petitioner : Mr.N.Tamilmani

For Caveators : Mr.R.Ganesh Babu



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ORDER

The Civil Revision Petition is directed against the order passed in I.A.No.03 of 2023 in O.S.No.11 of 2011 dated 24.07.2023 on the file of the Principal District Court, Sivagangai, dismissing the application filed under Section 151 C.P.C. seeking permission to withdraw the balance sale consideration of Rs.12,49,000/- deposited by the revision petitioner into the Court.

2. It is not in dispute that both the parties had entered into a sale agreement and on that basis, a suit for specific performance came to be filed in O.S.No.11 of 2011 and the suit was decreed, that the decree holder, has filed an execution petition for executing a sale deed and on that basis, the Court has executed the sale deed in favour of the revision petitioner, that when the document was sent for registration, the same was refused and an appeal preferred thereof was also dismissed and that the revision petitioner has filed a suit in O.S.No.67 of 2022 challenging the order passed by the District Registrar and the same is pending.



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3. Admittedly, the revision petitioner has deposited Rs.12,49,000/- being the balance sale consideration into the Court in pursuance of the direction of the trial Court.

4. The revision petitioner has now filed the above application seeking permission to withdraw the amount. Admittedly, the amount now available in the Court deposit is due to the decree holder. Since the sale deed was executed in favour of the revision petitioner and the revision petitioner is in the possession of the property and the revision petitioner's suit in O.S.No.67 of 2022 challenging the order of District Registrar is pending, the revision petitioner is certainly not entitled to get the amount, deposited by him. Hence, the impugned order dismissing the application cannot be found fault with.

5. In the result, this Civil Revision Petition is dismissed. However, the trial Court is directed to deposit the amount in any one of the Nationalised Banks, if not already deposited. No costs.

18.10.2023

NCC :yes/No
Index :yes/No
Internet:yes/No
csm



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K.MURALI SHANKAR,J.

csn

To

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

Order made in
C.R.P.(MD)No.2264 of 2023

Dated : 18.10.2023