



Rev.Appl.No.193 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2024

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Rev.Appl.No.193 of 2023

V.Rajalakshmi

.. Petitioner

Vs.

1. Monicca shantha Nelson
2. S.Shantha
3. J.Samuel Nelson
4. S.Velladurai

5. M/s.Noah Constructions

A proprietary concern

Rep. by its sole Proprietor, G.Maniharan Joseph

No:7, 100 Feet Road, Rajeshwari Nagar Extension

Selaiyur, Chennai – 73.

.. Respondents

Prayer: Review Application filed under Section 114 and Order XLI Rule 1 of the Code of Civil Procedure, 1908, seeking to review the order dated 03.02.2022 in O.S.A.No.212 of 2017 passed by this court by directing the third respondent in the suit namely Mr.S.Velladurai to deposit the amount and bear reconveyance charges.



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For the Petitioner : Mr.P.Srinivasan

For the Respondents : Mr.R.N.Amarnath
for R1 to R3

Mr.S.Nirmal Adithya
for R4

ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.P.Srinivasan, learned counsel for the petitioner,
Mr.R.N.Amarnath, learned counsel for respondents 1 to 3 and
Mr.S.Nirmal Adithya, learned counsel for respondent 4.

2. In O.S.A.No.212 of 2017, this Court had passed the following orders:

"39. In view of the above, we are inclined to modify the judgment and decree of the Trial Court, by decreeing the suit, on the following terms:-

(i) that the first and second defendants 1 and 2, shall refund to the plaintiffs, the total sum of Rs.43,91,995/- (Rs.40,00,000/- + Rs.2,12,000/- + Rs.1,79,995/-) with interest at the rate of 9% per annum from the dates on which the respective amounts were paid till the date of payment;



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(ii) the first and second defendants shall deposit the aforesaid sum within a period of six weeks from the date of receipt of the judgment and the decree of this Court;

(iii) upon said deposit by the first and second defendants into the Court, within two weeks therefrom, the plaintiffs shall execute re-conveyance deed, before the appropriate Sub-Registrar, re-conveying 675 Sq.ft., undivided share, conveyed to them, vide Ex.P-10, Sale deed dated 30.08.2010 morefully described as Schedule – B property to and in favour of the first and second defendants;

(iv) the first and second defendants shall bear the stamp duty and registration charges of said re-conveyance document;

(v) upon execution of such re-conveyance deed, the plaintiffs shall be forthwith entitled to withdraw the amount deposited by the first and second defendants into the Court with accrued interest, if any.

(vi) There shall be no order as to costs.

The Original Side Appeal is disposed off on the above terms."

3. The present review applicant is the first respondent in the said appeal. The learned counsel for the present review applicant submits



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that the amount is received by the fourth respondent in the review application, i.e., the third respondent in the appeal. The review applicant does not want the property. She should not be directed to deposit the amount.

4. Learned counsel appearing for the fourth respondent (S. Velladurai) submits that the third respondent in the original appeal (S. Velladurai) is ready to deposit the amount and that the property may be conveyed in the name of the fourth respondent (S. Velladurai) or the person whom the fourth respondent would nominate.

5. The original plaintiffs/respondents 1 to 3 have no objection for the same.

6. In light of that, the review petition stands partly allowed. The order in O.S.A.No.212 of 2017 dated 03.02.2022 is modified as under:

(i) the third respondent in the appeal (S. Velladurai) shall refund to the plaintiffs the total sum of Rs.43,91,995/- (Rs.40,00,000/- + Rs.2,12,000/- +



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Rs.1,79,995/-) with interest at the rate of 9% per annum from the dates on which the respective amounts were paid till the date of payment;

(ii) the third respondent in the appeal (S. Velladurai) shall deposit the aforesaid amount within a period of six weeks from today;

(iii) Upon the said deposit by the third respondent in the appeal (S. Velladurai) into the Court, within a period of two weeks therefrom, the plaintiffs shall execute re-conveyance deed before the appropriate Sub-Registrar, re-conveying 675 sq.ft. undivided share, conveyed to them vide Ex.P.10, Sale deed dated 30.08.2010, morefully described as Schedule – B property to and in favour of the third respondent in the appeal (S. Velladurai) or his nominee;



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(iv) The third respondent in the appeal (S. Velladurai) shall bear the stamp duty and registration charges of the said re-conveyance deed;

(v) Upon execution of such re-conveyance deed, the plaintiffs shall be forthwith entitled to withdraw the amount deposited by the third respondent in the appeal (S. Velladurai) into the Court with accrued interest, if any.

7. There shall be no order as to costs. Consequently, C.M.P.No.24152 of 2023 is closed.

(S.V.G., CJ.) (D.B.C., J.)
08.02.2024

Index : Yes/No
Neutral Citation : Yes/No

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THE HON'BLE CHIEF JUSTICE
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