



C.M.P.No.20990 of 2024
in C.R.P.SR.No.38089 of 2024

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A.D.JAGADISH CHANDIRA, J.

This petition has been filed seeking to grant leave to the petitioner to file the civil revision petition against the judgment and decree passed in O.S.No.142 of 2010 dated 28.02.2011 passed by the learned Principal Subordinate Judge, Krishnagiri.

2. The brief facts of the case are as follows :-

2.1 The properties in Survey Nos.5, 6 & 8 in Chellakuttapatti Village, Pochampalli Taluk, Krishnagiri District, originally belongs to one Gowriammal and her family members. One Sambasivam had attempted to interfere with their possession and the said Gowriammal had filed a suit in O.S.No.132 of 1986 before the District Munsif Court, Krishnagiri seeking for declaration and permanent injunction against Sambasivam and the same was decreed on 14.08.1986. Thereafter, no appeal has been filed by the said Sambasivem against the judgment and decree and it has become final.

2.2. Subsequently, there was a dispute between the family members of the said Gowriammal, thereby, a suit in O.S.No.75 of 2001 was filed by the said Gowriammal against her husband and his second wife and children, before the District Munsif cum Judicial Magistrate, Pochampalli, for declaration and



permanent injunction, wherein, a compromise decree was obtained on 29.11.2002, by which, the properties in Survey Nos.5, 6 & 8 in Chellakuttapatti Village, were given to Gowriammal and her children.

2.3. Subsequently, all of them have sold the property to P.V.Chandran vide Document dated 17.05.2023. The said P.V.Chandran, vide sale deeds dated 15.07.2013 bearing Document Nos.863 & 864 of 2013, sold the properties in favour of the petitioner and his wife, who are Doctors by profession. Subsequent to the purchase, the wife of the petitioner had also settled the properties in Survey Nos.5 & 6 in favour of the petitioner and as on date, the petitioner is the absolute owner of the properties in Survey Nos.5, 6 & 8 of Chellakuttapatti Village, Pochampalli Taluk, Krishnagiri District.

2.4. While so, the said Sambasivam, who was the defendant in the suit in O.S.No.132 of 1986, suppressing the subsequent transactions, had entered into an agreement dated 16.06.2010 with one Ranjithkumar, first respondent herein. Later, based on the unregistered sale agreement, the said Ranjithkumar has filed a suit for specific performance in O.S.No.142 of 2010 before the Principal Subordinate Court, Krishnagiri, in which, an ex parte collusive one line decree was passed on 28.02.2011. Against which, the present revision has been filed.



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3. Learned counsel for the petitioner submitted that the entire proceedings are collusive in nature and the decree was obtained in a fraudulent manner behind the back of the petitioner, who is the original owner of the properties, who are in possession. Thereby, the petitioner has filed the present civil revision petition and unless and until, the decree, which has been obtained in a fraudulent manner, is set aside, the petitioner will put to irreparable loss.

4. In view of the above, the revision petitioner has made out a *prima facie* case. Therefore, leave is granted.

5. Accordingly, this Civil Miscellaneous Petition stands ordered.

23.09.2024

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Note : Registry is directed to number this civil revision petition, if it is, otherwise, in order.

A.D.JAGADISH CHANDIRA, J.

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