



C.R.P.No.1541 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

C.R.P.No.1541 of 2024

Hemalatha

... Petitioner

Vs.

V.Kanagaraj

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to direct the learned Principal District Judge, Tiruppur, Tiruppur District to dispose of the suit in O.S.No.628 of 2023 on the file of the Principal District Judge, Tiruppur, Tiruppur District within a time frame.

For Petitioner : Mr.P.S.Kothandaram

For Respondent : No appearance



C.R.P.No.1541 of 2024

WEB COPY

ORDER

The petitioner/plaintiff filed this petition to dispose of O.S.No.628 of 2023 pending on the file of the Principal District Court, Tiruppur, Tiruppur District within a time frame.

2.The contention of the learned counsel for the petitioner is that the petitioner/plaintiff filed a suit for specific relief. The gist of the complaint is that the respondent/defendant agreed to execute a sale deed in respect of the property measuring to an extent of 1800 sq.ft. In Plot No.12, Neruperichal Village, Tiruppur District which was allotted to the respondent/defendant by Anna Sathya Handloom Weavers Co-operative Society. The agreed amount of sale consideration was Rs.51 lakhs and on 27.06.2022, an advance of Rs.2 lakhs was paid. The respondent/defendant informed that the property was mortgaged with Sriram City Union Finance Limited, Tiruppur Branch for a sum of Rs.25 lakhs and after calculating interest, it has mounted to Rs.42 lakhs. The petitioner/plaintiff paid Rs.42 lakhs on 20.08.2022 by bank transaction and thereafter, on 31.08.2022 Rs.1 lakh



C.R.P.No.1541 of 2024

was paid through Karur Vysya Bank. It was agreed that on payment of balance amount of Rs.6 lakhs, the respondent would execute the sale deed by 20.02.2023 and he had also handed over the original title deed of the property and other relevant documents. The petitioner was insisting the respondent for execution of sale deed but the respondent was taking time. Thereafter on 16.12.2022, the petitioner caused a legal notice which the respondent refused to receive and the same was returned. Later, the petitioner came to know that one Manivannan had filed a suit in O.S.No.274 of 2019 against the respondent and on enquiry, it was found that the suit was filed for recovery of Rs.5 lakhs based on the said property. Thereafter, the petitioner paid Rs.5 lakhs to the said Manivannan by way of Demand Draft on 27.02.2023 and encumbrance removed. The petitioner has to pay the balance amount of Rs.1 lakh as agreed upon and the respondent to execute the sale deed. Since the respondent failed to come forward to execute a sale deed, a suit was filed.

3.The learned counsel for the petitioner further submitted that in this case, the petitioner filed the plaint along with documents, the respondent



C.R.P.No.1541 of 2024

appeared and filed his written statement, issues were framed and the case was posted for trial but the trial has not proceeded. In the meanwhile, the petitioner apprehends and taking advantage of the pendency of the case, the respondent may create further encumbrance. The learned counsel also produced the e-Court adjudication stating that the case was posted for trial on 15.12.2023 and thereafter, for more than seven hearings the trial is yet to commence. Hence, the present petition is filed.

4.Despite service of notice and name printed in the cause list, no representation for the respondent either in person or by any counsel.

5.Considering the submissions made and on perusal of the materials, from the plaint copy and the written statement of the respondent, it is seen that the respondent has given a general denial and claimed that the property is valued around Rs.80 lakhs and he never executed any sale agreement for Rs.51 lakhs, which is a matter to be decided during trial. Admittedly, in this case the issues have been framed and the case is posted for trial, at this stage, keeping the case pending for trial for such long period is not



C.R.P.No.1541 of 2024

appreciable. In view of the same, this Court directs the learned Principal District Judge, Tiruppur, Tiruppur District to complete the proceedings and dispose of the suit in O.S.No.628 of 2023 within a period of three months from the date of receipt of a copy of this order.

6. With the above directions, the civil revision petition stands disposed of. No costs.

01.08.2024

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
cse

To

The Principal District Judge,
Tiruppur,
Tiruppur District.



WEB COPY



C.R.P.No.1541 of 2024

M.NIRMAL KUMAR, J.

cse

C.R.P.No.1541 of 2024

01.08.2024