



WEB COPY



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C.M.P.Nos.8805 & 8807 of 2024

IN

W.A.SR.No.66569 of 2023

R.MAHADEVAN, J.

AND

MOHAMMED SHAFFIQ, J.

(Order of the Court was made by R.Mahadevan, J.)

C.M.P. No.8805 of 2024 has been filed by a third party, seeking to grant leave to file an appeal against the order dated 06.07.2022 passed by the learned Judge in W.P.No.16787 of 2022, whereas C.M.P.No.8807 of 2024 has been filed to accept the cause title by adding one Meikandadevan as party to the appeal proceedings.

2. According to the learned counsel appearing for the petitioner, the petitioner and the 1st respondent had entered into a sale agreement dated 01.04.2022, in respect of the subject properties and on the same day, the petitioner had paid a sum of Rs.9,50,000/- out of total sale consideration of Rs.9,75,000/- and the 1st respondent had handed over the subject properties to the petitioner. Thereafter, the petitioner paid the balance sale consideration of Rs.25,000/-. Despite the same, the 1st respondent is not willing to execute the sale deed and is attempting to sell the subject properties to one Meikandadevan/proposed 3rd respondent. Hence, the petitioner filed O.S.No.33 of 2022 before the Sub Court, Mannargudi, for specific performance. During the pendency of the said suit, the first respondent preferred W.P.No.16787 of 2022, without arraying the petitioner and the proposed respondent as parties to the proceedings, seeking quashment of



refusal check slip dated 22.04.2022 issued by the 2nd respondent, and also for a direction to the 2nd respondent to register the sale deed dated 20.04.2022, executed by the 1st respondent. By order dated 06.07.2022, the said writ petition came to be allowed, thereby depriving the legal and constitutional right over the valuable properties of the petitioner. Hence, these miscellaneous petitions by the petitioner herein.

3. Considering the reasons stated in the affidavits filed in support of these petitions and having regard to the submissions made by the learned counsel appearing for the petitioner, these petitions are ordered as prayed for.

4. Registry is directed to carry out the necessary amendment in the appeal papers and post the same in the usual course.

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[R.M.D., J.] [M.S.Q., J.]
30.04.2024



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R.MAHADEVAN, J.
AND
MOHAMMED SHAFFIQ, J.

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